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# Indiana Register

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## Readopted Rules

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### TITLE 20 STATE BOARD OF ACCOUNTS

LSA Document #01-192

Under IC 4-22-2.5-4, the State Board of Accounts intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted without changes are as follows:

20 IAC 1 FIELD EXAMINERS  
20 IAC 2 TAX INCREMENT FINANCE

Questions or comments on the readoption may be directed by mail to the State Board of Accounts, 302 West Washington Street, Room E418, Indianapolis, Indiana 46204 or by electronic mail to [cjohnson@sboa.state.in.us](mailto:cjohnson@sboa.state.in.us). Statutory authority: IC 5-11-1-7; IC 5-11-1-8.

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### TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

LSA Document #01-216

Under IC 4-22-2.5-4, the Board of Trustees of the Public Employees' Retirement Fund intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted without changes are as follows:

35 IAC 1.2-1-1 Administration  
35 IAC 1.2-1-2 Delegation of authority; powers and duties of executive secretary  
35 IAC 1.2-2 Definitions  
35 IAC 1.2-3 Creditable Service  
35 IAC 1.2-4-1 Members of the fund  
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35 IAC 1.2-4-4 Students excluded  
35 IAC 1.2-4-5 Prosecuting attorneys and deputy prosecuting attorneys  
35 IAC 1.2-5-1 Retirement options  
35 IAC 1.2-5-2 Disability benefits; eligibility  
35 IAC 1.2-5-4 Disability alternatives  
35 IAC 1.2-5-7 Service for disability and survivor benefits

35 IAC 1.2-5-8 Combined service in teachers' and public employees' retirement funds  
35 IAC 1.2-5-9 Dependent beneficiaries  
35 IAC 1.2-5-10 Designated dependent beneficiary  
35 IAC 1.2-5-11 Benefits payable upon death  
35 IAC 1.2-5-12 Minimum disability retirement benefit  
35 IAC 1.2-5-14 Five year guaranteed benefits  
35 IAC 1.2-5-15 No guarantee option  
35 IAC 1.2-5-16 Teachers Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF)  
35 IAC 1.2-5-17 Birth date; proof required  
35 IAC 1.2-5-20 Early retirement reduction of benefits  
35 IAC 1.2-6 Miscellaneous  
35 IAC 1.2-7 Administrative Proceedings

Questions or comments on the readoption may be directed by mail to the Board of Trustees of the Public Employees' Retirement Fund, 143 West Market Street, Suite 500, Indianapolis, Indiana, 46204 or by electronic mail to [josborn@perf.state.in.us](mailto:josborn@perf.state.in.us). Statutory authority: IC 5-10.3-3-8; IC 36-8-8-5.

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### TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

LSA Document #01-217

Under IC 4-22-2.5-3, the Board of Trustees of the Public Employees' Retirement Fund intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted and amended are as follows:

35 IAC 1.2-1-3 General powers  
35 IAC 1.2-3-10 Military service  
35 IAC 1.2-5-5 Basic salary defined  
35 IAC 1.2-5-6 Reemployment  
35 IAC 1.2-5-13 Beneficiary designation  
35 IAC 1.2-5-18 Minors and other incompetent persons  
35 IAC 1.2-5-19 Proration of retirement costs  
35 IAC 1.2-6-3 Enlargement of PERF coverage

Questions or comments on the readoption may be directed by mail to the Board of Trustees of the Public Employees' Retirement Fund, 143 West Market Street, Suite 500, Indianapolis, Indiana, 46204 or by electronic mail to [josborn@perf.state.in.us](mailto:josborn@perf.state.in.us). Statutory authority: IC 5-10.3-3-8; IC 36-8-8-5.

**TITLE 35 BOARD OF TRUSTEES OF THE  
PUBLIC EMPLOYEES' RETIREMENT  
FUND**

LSA Document #01-218

Under IC 4-22-2.5-4, the Board of Trustees of the Public Employees' Retirement Fund intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted without changes are as follows:

- 35 IAC 2 POLICE AND FIREFIGHTERS' PENSION AND  
DISABILITY FUND (1977 FUND)
- 35 IAC 4 CONSERVATION AND EXCISE OFFICERS'  
RETIREMENT FUND
- 35 IAC 6 PENSION RELIEF FUND
- 35 IAC 8 MODEL PLAN AMENDMENTS

Questions or comments on the readoption may be directed by mail to the Board of Trustees of the Public Employees' Retirement Fund, 143 West Market Street, Suite 500, Indianapolis, Indiana, 46204 or by electronic mail to [josborn@perf.state.in.us](mailto:josborn@perf.state.in.us). Statutory authority: IC 5-10.3-3-8; IC 36-8-8-5.

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**TITLE 205 INDIANA CRIMINAL JUSTICE INSTITUTE**

LSA Document #01-219

Under IC 4-22-2.5-4, the Indiana Criminal Justice Institute intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted without changes are as follows:

- 205 IAC 1 SLOW MOVING VEHICLE EMBLEM
- 205 IAC 2 PUBLIC SAFETY IMPROVEMENT AREAS

Questions or comments on the readoption may be directed by mail to Ms. Kathryn Janeway, General Counsel, Indiana Criminal Justice Institute, One North Capitol Avenue, Suite 1000, Indianapolis, Indiana 46204-2038 or by electronic mail to [kjaneway@cji.state.in.us](mailto:kjaneway@cji.state.in.us). Statutory authority: IC 5-2-6-3; IC 9-21-9-5; IC 36-8-19.5-4.

**TITLE 240 STATE POLICE DEPARTMENT**

LSA Document #01-185

Under IC 4-22-2.5-4, the State Police Department intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be adopted without changes are as follows:

- 240 IAC 1-4-1 Appointment policy
- 240 IAC 1-4-2 Appointment procedure
- 240 IAC 1-4-4 Selection process for appointment
- 240 IAC 1-4-5 Oath, affirmation before employment
- 240 IAC 1-4-18 Reappointment procedure
- 240 IAC 1-4-22 Personnel file; unsuccessful applicants
- 240 IAC 1-5-1 Appointment, reappointment; policy
- 240 IAC 1-5-2 Appointment, reappointment; applications
- 240 IAC 1-5-3 Appointment procedures
- 240 IAC 1-5-4 Appointment, reappointment; job qualifications
- 240 IAC 1-5-5 Reappointment exceptions
- 240 IAC 1-5-6 Appointment, reappointment; oath and affirmation
- 240 IAC 1-5-7.1 Appointment to motor carrier inspector positions; qualifications
- 240 IAC 1-5-8 Appointment, reappointment; background investigations
- 240 IAC 1-5-23 Reemployment of employees who are receiving benefits from the police benefit fund
- 240 IAC 3 FIREARMS LICENSING
- 240 IAC 5 COMMUNICATION SYSTEMS
- 240 IAC 6 CRIMINAL HISTORY RECORD INFORMATION
- 240 IAC 7 POLYGRAPH EXAMINERS

Questions or comments on the readoption may be directed by mail to the Indiana State Police Department, Indiana Government Center-North, 100 North Senate Avenue, Room 340, Indianapolis, Indiana 46204 or by electronic mail to [tsommer@isp.state.in.us](mailto:tsommer@isp.state.in.us). Statutory authority: IC 10-1-1-3.

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**TITLE 590 INDIANA LIBRARY AND  
HISTORICAL BOARD**

LSA Document #01-208

Under IC 4-22-2.5-3, the Indiana Library and Historical Board intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

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## Readopted Rules

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**OVERVIEW:** Rules to be readopted without changes are as follows:

590 IAC 1-1-0.5	Purpose of rule
590 IAC 1-1-0.6	Definitions
590 IAC 1-1-2.5	Minimum standards for public libraries
590 IAC 1-2.5-1	Purpose of rule

Rules to be readopted and amended are as follows:

590 IAC 1-1-1	Eligibility to receive state funds; determination
590 IAC 1-2.5-2	Definitions
590 IAC 1-2.5-3	Minimum standards for library services authorities
590 IAC 1-3	Indiana Document Depository Libraries

Rules to be repealed are as follows:

590 IAC 1-2	Development Plan for Area Library Services Authorities
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Questions or comments on the readoption may be directed by mail to the Library Development Office, Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46204 or by electronic mail to [marthar@statelib.lib.in.us](mailto:marthar@statelib.lib.in.us). Statutory authority: IC 4-23-7.1-24.

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #01-209

Under IC 4-22-2.5-4, the Fire Prevention and Building Safety Commission intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rule to be readopted without changes is as follows:

675 IAC 15-2 Indiana Mobile Structures Code

Questions or comments on the readoption may be directed by mail to the Department of Fire and Building Services, Technical Services and Research, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by electronic mail to [eblakey@sema.state.in.us](mailto:eblakey@sema.state.in.us). Statutory authority: IC 22-13-2.

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### TITLE 828 STATE BOARD OF DENTISTRY

LSA Document #01-193

Under IC 4-22-2.5-3, the State Board of Dentistry intends to readopt rules in anticipation of IC 4-22-2.5, providing that all

rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted and amended are as follows:

828 IAC 1-5-4	Civil penalties for a dental hygienist
828 IAC 1-5-5	Civil penalties for a dentist

Questions or comments on the readoption may be directed by mail to the State Board of Dentistry, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [bmcnut@hpb.state.in.us](mailto:bmcnut@hpb.state.in.us). Statutory authority: IC 25-13-1-5; IC 25-13-2-10; IC 25-14-1-13; IC 25-14-3-12.

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### TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-220

Under IC 4-22-2.5-4, the Medical Licensing Board of Indiana intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted without changes are as follows:

844 IAC 4-3	Definitions and Exclusions
844 IAC 4-7-1	"SPEX" defined
844 IAC 4-7-2	Purpose of "SPEX"
844 IAC 4-7-3	Requirements to take "SPEX"
844 IAC 4-7-4	"SPEX" passing scores

Questions or comments on the readoption may be directed by mail to the Medical Licensing Board of Indiana, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [ajones@hpb.state.in.us](mailto:ajones@hpb.state.in.us). Statutory authority: IC 25-22.5-2-7.

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### TITLE 846 BOARD OF CHIROPRACTIC EXAMINERS

LSA Document #01-221

Under IC 4-22-2.5-3, the Board of Chiropractic Examiners intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rule to be readopted and amended is as follows:

**846 IAC 1-4-7 Fees**

Questions or comments on the readoption may be directed by mail to the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 25-34.5-2-7.

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**TITLE 880 SPEECH-LANGUAGE PATHOLOGY  
AND AUDIOLOGY BOARD**

LSA Document #01-222

Under IC 4-22-2.5-3, the Speech-Language Pathology and Audiology Board intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rule to be readopted and amended is as follows:

**880 IAC 1-1-5 Fees**

Questions or comments on the readoption may be directed by mail to the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 25-34.5-2-7.

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**TITLE 888 INDIANA BOARD OF VETERINARY  
MEDICAL EXAMINERS**

LSA Document #01-223

Under IC 4-22-2.5-3, the Indiana Board of Veterinary Medical Examiners intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rule to be readopted and amended is as follows:

**888 IAC 1.1-3-2 Licensed veterinarians; fees**

Questions or comments on the readoption may be directed by mail to the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 25-34.5-2-7.

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**TITLE 896 BOARD OF ENVIRONMENTAL  
HEALTH SPECIALISTS**

LSA Document #01-224

Under IC 4-22-2.5-3, the Board of Environmental Health Specialists intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rule to be readopted and amended is as follows:

**896 IAC 1-3-2 Fees**

Questions or comments on the readoption may be directed by mail to the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 25-34.5-2-7.

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**TITLE 905 ALCOHOL AND TOBACCO COMMISSION**

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-225

Under IC 4-22-2.5-4, the Alcohol and Tobacco Commission intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted without changes are as follows:

**905 IAC 1-1 Definitions****905 IAC 1-5.1 Trade Practices; Prohibited Activity Between Primary Sources of Supply, Wholesalers, and Retailers****905 IAC 1-5.2-1 General****905 IAC 1-5.2-2 Record keeping requirements****905 IAC 1-5.2-4 Product displays****905 IAC 1-5.2-5 Advertising specialties****905 IAC 1-5.2-6 Alcoholic beverage lists****905 IAC 1-5.2-7 Consumer advertising specialties****905 IAC 1-5.2-8 Tapping accessories****905 IAC 1-5.2-10 Newspaper cuts****905 IAC 1-5.2-11 Combination packaging****905 IAC 1-5.2-12 Educational seminars****905 IAC 1-5.2-13 Contest promotions****905 IAC 1-5.2-14 Dispensing service**

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## Readopted Rules

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- 905 IAC 1-5.2-15 Product management
- 905 IAC 1-5.2-16 Participation in retailer or dealer association activities
- 905 IAC 1-5.2-17 Merchandise
- 905 IAC 1-7.1 Federal Tax Stamps
- 905 IAC 1-9-5 Penalties
- 905 IAC 1-10 Retail Closing Hours
- 905 IAC 1-11.1-2 Qualification requirements
- 905 IAC 1-12.1-2 Examination of permit by employer; display
- 905 IAC 1-12.1-3 Compliance with state board of health rules
- 905 IAC 1-13 Clubs
- 905 IAC 1-14 Local Board Member Removal Procedure
- 905 IAC 1-15.2. Minors
- 905 IAC 1-15.3. Minors as Employees
- 905 IAC 1-17-2 Applicability of quota rule
- 905 IAC 1-17-3 Applicability of residential rule
- 905 IAC 1-17-4 Approval; restrictions
- 905 IAC 1-18 New Permits in a Residential District
- 905 IAC 1-20 Food Requirements
- 905 IAC 1-21 Credit Sales by Spirituous and Vinous Wholesale Permittees
- 905 IAC 1-25 Sale and Handling of Alcoholic Beverages Within Bowling Alleys
- 905 IAC 1-26 Permit Renewal; Letter of Extension
- 905 IAC 1-27-1 Determination of reputation and character
- 905 IAC 1-27-3 Violations; burden of proof; sanctions
- 905 IAC 1-27-4 Consideration of location
- 905 IAC 1-27-5 Evaluation standards
- 905 IAC 1-30 Deposit of Retailer or Dealer Permit in Commission Escrow
- 905 IAC 1-31 Wholesale Pricing Practices
- 905 IAC 1-32.1 Group Purchasing Agreements
- 905 IAC 1-33.1 Permit Auction
- 905 IAC 1-34-1 Work location
- 905 IAC 1-34-2 Requirements
- 905 IAC 1-35 Sports Arenas
- 905 IAC 1-36 Procedure after Local Board Investigation and Recommendation
- 905 IAC 1-37 Permit Violation Procedures
- 905 IAC 1-38 Prohibited Advertising

Questions or comments on the readoption may be directed by mail to the Alcohol and Tobacco Commission, Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana, 46204 or by electronic mail to [comments@abc.state.in.us](mailto:comments@abc.state.in.us). Statutory authority: IC 7.1-2-3-6; IC 7.1-2-3-7.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-230

Under IC 4-22-2.5-3, the Alcohol and Tobacco Commission intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

**OVERVIEW:** Rules to be readopted and amended are as follows:

- 905 IAC 1-5.2-3 Content restrictions
- 905 IAC 1-5.2-9 Samples
- 905 IAC 1-8 Salesman's Permit
- 905 IAC 1-11.1-1 Special events
- 905 IAC 1-16.1-1 Dancing permitted
- 905 IAC 1-16.1-3 Nudity in exhibition or professional dancing; restrictions
- 905 IAC 1-23 Registration of Brands, Labels, and Trademarks
- 905 IAC 1-27-2 Public nuisance
- 905 IAC 1-29 Selling of Package Alcoholic Beverages

Questions or comments on the readoption may be directed by mail to the Alcohol and Tobacco Commission, Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana, 46204 or by electronic mail to [comments@abc.state.in.us](mailto:comments@abc.state.in.us). Statutory authority: IC 7.1-2-3-6; IC 7.1-2-3-7.

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## TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-118

### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Readopts and amends 140 IAC 8-1-3 to require six month employee performance evaluations; 140 IAC 8-2-1 and 140 IAC 8-2-2 to include the procurement of services under the bureau of motor vehicles commission procurement system; 140 IAC 8-2-3 and 140 IAC 8-2-4 to increase the threshold amounts required for compliance under the procurement system for any applicable procurement, including the procurement for services; 140 IAC 8-3-1.1 to increase the service charge and clarify the definition of "low numbered motor vehicle registration plate" to include truck plates and specialty plates; and 140 IAC 8-3-3, 140 IAC 8-3-4, 140 IAC 8-3-5, and 140 IAC 8-3-8 to increase service charges. Amends 140 IAC 8-3-12, 140 IAC 8-3-13, 140 IAC 8-3-14, 140 IAC 8-3-15, 140 IAC 8-3-16, 140 IAC 8-3-17, 140 IAC 8-3-18, 140 IAC 8-3-19, and 140 IAC 8-3-20 to increase service charges. Adds 140 IAC 8-3-21, 140 IAC 8-3-22, 140 IAC 8-3-23, 140 IAC 8-3-24, 140 IAC 8-3-25, 140 IAC 8-3-26, and 140 IAC 8-3-27 to establish service charges for processing duplicate and replacement license plates, duplicate titles, watercraft titles, delinquent watercraft titles, hull identification number applications, delinquent registrations, and delinquent license renewals. Repeals 140 IAC 8-3-2. Effective January 1, 2002.

<b>140 IAC 8-1-3</b>	<b>140 IAC 8-3-15</b>
<b>140 IAC 8-2-1</b>	<b>140 IAC 8-3-16</b>
<b>140 IAC 8-2-2</b>	<b>140 IAC 8-3-17</b>
<b>140 IAC 8-2-3</b>	<b>140 IAC 8-3-18</b>
<b>140 IAC 8-2-4</b>	<b>140 IAC 8-3-19</b>
<b>140 IAC 8-3-1.1</b>	<b>140 IAC 8-3-20</b>
<b>140 IAC 8-3-2</b>	<b>140 IAC 8-3-21</b>
<b>140 IAC 8-3-3</b>	<b>140 IAC 8-3-22</b>
<b>140 IAC 8-3-4</b>	<b>140 IAC 8-3-23</b>
<b>140 IAC 8-3-5</b>	<b>140 IAC 8-3-24</b>
<b>140 IAC 8-3-8</b>	<b>140 IAC 8-3-25</b>
<b>140 IAC 8-3-12</b>	<b>140 IAC 8-3-26</b>
<b>140 IAC 8-3-13</b>	<b>140 IAC 8-3-27</b>
<b>140 IAC 8-3-14</b>	

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 8-1-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### **140 IAC 8-1-3 Policies**

**Authority:** IC 9-14-2-2  
**Affected:** IC 9-16-4

Sec. 3. (a) ~~Management Hiring Policy~~: The commissioner of the bureau of motor vehicles (~~hereinafter, "the~~ (commissioner), with the approval of the commission, shall hire all other commission management employees, who shall serve at the pleasure of the commissioner and the commission.

(b) General branch hiring policy **shall be as follows:**

(1) ~~Authorization~~: All branch hiring requests must be approved by the commissioner prior to initiation of the hiring procedure, and overall branch staffing authorizations must be approved by the commission.

(2) ~~Application~~: All applicants must complete employment applications on forms approved by the commission.

(3) ~~Evaluation~~: Applicants and their applications shall be evaluated by branch management to determine whether applicants satisfactorily meet the requirements of a particular job classification. This evaluation will be made on factors such as:

(A) past work experience;

(B) education;

(C) previous work history;

(D) job skills;

(E) the applicant's personality and appearance; and

(F) the applicant's career goals.

(4) ~~Selection For Hire~~: The appropriate manager will select the candidate he or she believes to be best suited for a vacant position. This selection shall be made in accordance with policies and procedures that have been approved by the commission and upon the best judgment of the manager as to the candidate's suitability for service to the public in license branch operations.

(c) ~~General Promotional Policy~~: Branch managers shall, in all appropriate circumstances, consider current branch employees for vacancies within branch employment. If a branch manager determines that a suitable candidate is not available within existing branch employees, a new employee may be selected from duly qualified applicants.

(d) ~~Classifications of Employment~~: The commission has approved **the following** four (4) major classifications of employment, the terms and conditions of which shall be described in the employee handbook:

(1) Probationary employees.

(2) Temporary employees.

(3) Part-time employees. ~~and~~

(4) Full-time employees.

(e) ~~Branch Operating Hours~~: The operating hours of each local branch shall be determined by the commissioner, with the approval of the commission, on the basis of the particular needs of the community served by the local branch.

(f) ~~Overtime~~: Nonexempt commission employees shall be paid for overtime hours worked as required by applicable statutes and regulations. Procedures for scheduling and compensating overtime will be defined by the commissioner, and the commissioner may approve branch requests for overtime use prior to its implementation.

(g) ~~Employee Benefits and Conduct~~: In the employee handbook, the commissioner shall set forth the commission's approved policies, procedures, and rules which cover such



## Readopted Rules

employment benefits as vacation, holidays, and sick leave and such other matters as absenteeism, employee misconduct, and disciplinary procedures.

(h) ~~Position Descriptions.~~ The commissioner shall issue uniform position descriptions for the various positions at each branch, which descriptions shall be approved by the commission before they are instituted. It is understood that the descriptions do not preclude the use of cross-training and, further, that certain positions may be combined by branch managers, upon the recommendation of the commissioner and the approval of the commission, to facilitate the economic delivery of branch services to the public.

(i) ~~Orientation.~~ Managers shall provide each employee with a copy of the employee handbook and position description and explain them to each employee at the time of hire.

(j) Performance review **requirements shall be as follows:**

(1) ~~Annual. Before or at the end of the probationary period, and at least once annually thereafter;~~ **A six (6) month employee performance review shall be conducted for all commission employees shall be reviewed for performance by their respective supervisors. This employee performance review shall be conducted according to procedures approved by the commission. It shall be:**

(A) ~~made within thirty (30) days before or initiated six (6) months after the anniversary of the employee's date of hire with the commission;~~

(B) conducted on forms approved by the commission;

(C) signed by both the supervisor and the employee; and

(D) retained with the employee's permanent personnel file, which shall be maintained by the commission.

(2) ~~For Other Purposes.~~ An employee performance review may also be conducted by a branch manager at any time appropriate to the proper administration of the policies and procedures of the commission. ~~but such review shall also be made at least once annually according to the procedures outlined above.~~

(k) ~~Employee Complaint Procedure.~~ The commissioner shall develop a procedure for the prompt and consistent resolution of employee complaints. This procedure shall be subject to the approval of the commission and shall utilize verbal resolution at the branch with the opportunity to submit a written appeal to a designated deputy commissioner and ultimately the commissioner for final disposition.

(l) ~~Modification.~~ The procedures contained in the employee handbook are subject to periodic modification and development by the commission. As additions, deletions, or changes are made, appropriate memoranda shall be issued and distributed. (*Bureau of Motor Vehicles; 140 IAC 8-1-3; filed Mar 26, 1987, 11:15 a.m.: 10 IR 1558*)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 8-2-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-2-1 Purpose

Authority: IC 9-14-2-2

Affected: IC 9-16-2-5

Sec. 1. (a) It is the purpose of this procurement system to define and outline the basic expectations of the bureau of motor vehicles commission ~~hereinafter~~ (commission) as they relate to the procurement of equipment, materials, ~~and~~ goods, ~~and~~ services required for the operation of license branches operating under the commission's authority.

(b) The procurement system shall establish the methodology to regulate the procurement of equipment, materials, ~~and~~ goods, ~~and~~ services, or leases of equipment, required for the operation of license branches operating under the commission's authority. (*Bureau of Motor Vehicles; 140 IAC 8-2-1; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 8-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-2-2 Policy

Authority: IC 9-14-2-2

Affected: IC 9-16-2

Sec. 2. (a) ~~As a result of the accelerated timetable mandated by IC 9-16 for the conversion of the remaining license branches;~~ This procurement system shall have as its goal the speedy and efficient administration of procurement decisions, while at the same time providing an atmosphere of fairness for participants.

(b) This procurement system shall not alter the existing statutory system for the lease or purchase of license branch facilities as outlined in IC 9-16-2.

(c) This procurement system shall not alter the existing method for procuring equipment and supplies under any previously established ~~S.D.O.~~ special dispersing officer (S.D.O.) accounts system.

(d) This procurement system shall not alter any previously established system for procuring equipment, materials, ~~and~~ goods, ~~and~~ services from any other board, commission, division, department, bureau, or other state or federal entity.

(e) In the case of fire, flood, windstorm, casualty, or other extraordinary emergency, including mechanical failure of any part of a building or structure, and where the health, safety, or welfare of the public or the necessary license branch or commission operations are endangered by such loss or damage, the commission may, upon a declaration of emergency recorded in its minutes, proceed to procure equipment, materials, ~~or~~ goods, ~~or~~ services, or leases of equipment without advertising for bids: provided, that in such an emergency and subject to the applicability provisions outlined herein, bids shall be invited from at least three (3) or more persons, firms, or corporations known to deal in the equipment, materials, ~~or~~ goods, ~~or~~ services to be

procured or equipment to be leased, and the minutes of the commission shall show the names of those persons, firms, or corporations invited to bid. (*Bureau of Motor Vehicles; 140 IAC 8-2-2; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595*)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 8-2-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**140 IAC 8-2-3 Procedural requirements for the procurement of equipment, materials, goods, and services; applicability**

Authority: IC 9-14-2-2

Affected: IC 9-16-2

Sec. 3. (a) The commission, or its duly authorized procurement agent, hereinafter referred to collectively as purchaser, shall comply with the procedural requirements of this procurement system whenever the total amount of any procurement of equipment, materials, ~~or~~ goods, **or services** exceeds ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payment under any equipment lease exceeds ~~five~~ **twenty-five** thousand dollars (~~\$5,000~~), (**\$25,000**). This procurement system applies to leases of equipment whether or not title passes from the lessor to the lessee. ~~The term "purchaser"~~ As used in this procurement system, **"purchaser"** includes persons who make leases for equipment. This procurement system does not apply to current utility bills.

(b) In all cases of procurement of equipment, materials, ~~or~~ goods, **or services** where the total amount of any such procurement does not exceed the sum of ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**) and in all cases of the lease of equipment where the annual rental payment does not exceed ~~five~~ **twenty-five** thousand dollars (~~\$5,000~~), (**\$25,000**), the purchaser may procure or lease in the open market without the giving of notice, the receiving of bids, or any other formalities.

(c) All procurement of similar equipment, materials, ~~or~~ goods, **or services** by the purchaser from a person during a six (6) month period under subsection (b) may not exceed ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**), and the total annual rental payments to a person under all leases for equipment under subsection (b) may not exceed ~~five~~ **twenty-five** thousand dollars (~~\$5,000~~), (**\$25,000**). (*Bureau of Motor Vehicles; 140 IAC 8-2-3; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1734*)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 8-2-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**140 IAC 8-2-4 Procurement of equipment, materials, goods, and services or the lease of equipment; procedural requirements**

Authority: IC 9-14-2-2

Affected: IC 9-16-2-5

Sec. 4. (a) The procedural requirements for the procurement of equipment, materials, **and** goods, **and services** or the lease of

equipment shall include the giving of notice and competitive sealed bidding.

(b) The manner of giving notice shall be as follows:

(1) Whenever public notice is required, the notice shall be given in the manner prescribed by this section.

(2) The commission chairman will determine the minimum number of notices to be given by publication according to the following schedule:

(A) If the ultimate expenditure involved in a procurement of equipment, materials, ~~or~~ goods, **and services** is estimated by the commission chairman to exceed ~~ten~~ **seventy-five** thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payment under any equipment lease is estimated by the commission chairman to exceed ~~five~~ **twenty-five** thousand dollars (~~\$5,000~~), (**\$25,000**), a notice will be published at least once.

(B) If the ultimate expenditure involved in a procurement of equipment, materials, ~~or~~ goods, **and services** is estimated by the commission chairman to be less than ~~ten~~ **seventy-five** thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payment under any equipment lease is estimated by the commission chairman to be less than ~~five~~ **twenty-five** thousand dollars (~~\$5,000~~), (**\$25,000**), a publication of notice is not required.

(C) The commission chairman may provide for the publication of additional notices, even if no publication is required by this subsection.

(3) Whenever publication of notice is required by this section, the notice will be published in one (1) newspaper of general circulation in Marion County, Indiana.

(A) If the procurement of equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is for more than one (1) license branch facility geographically located outside Marion County, Indiana, the notice may also be published in one (1) or more newspapers of general circulation in a county in which equipment, materials, ~~or~~ goods, **or services**, or ~~leases the lease~~ of equipment ~~are~~ **is** to be used.

(B) If the procurement of equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is for a single license branch facility geographically located outside Marion County, Indiana, or the procurement of equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is for multiple license branch facilities located in a single county other than Marion County, Indiana, the notice shall also be published in one (1) newspaper of general circulation in the county in which the equipment, materials, ~~or~~ goods, **or services**, or the lease of equipment is to be used.

(C) The commission chairman may designate additional newspapers for the publication of notice according to the nature of the procurement.

(4) In addition to the publication requirements of this section, the commission chairman will also give notice in the following manner whenever the ultimate expenditure involved in a procurement of equipment, materials, ~~or~~ goods, **or services**

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is estimated by the commission chairman to exceed ~~ten seventy-five~~ thousand dollars (~~\$10,000~~), (**\$75,000**), or the total annual rental payments under any equipment lease is estimated by the commission chairman to exceed ~~five twenty-five~~ thousand dollars (~~\$5,000~~): (**\$25,000**):

(A) The commission chairman will send notices, invitations to bid, requests for offers, or requests for proposals by mail to prospective bidders or offerors known to him.

(B) The commission chairman may post notices on a bulletin board in the commission's office.

(5) The commission chairman will schedule all notices given under this section so as to provide a reasonable amount of time for operation and submission of responses after notification. The period between:

(A) the last publication, mailing, or posting of notices; and

(B) the final date set for submitting bids, offers, or proposals, may not be less than seven (7) calendar days.

Notwithstanding clauses (A) through (B), the commission chairman, with the telephonic or written approval of the site-selection subcommittee, may, based upon the exigencies of the situation and the need to maintain uninterrupted high quality license branch service, decrease the time for preparation and submission of responses after notification to three (3) days.

(c) The competitive sealed bidding process shall be as follows:

(1) The following procedure will be followed by the commission in awarding contracts by competitive sealed bidding:

(A) An invitation for bids shall be issued and must include the following:

(i) A purchase description.

(ii) All contractual terms and conditions applicable to the procurement.

(iii) A statement of the evaluation criteria to be used, including criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.

(iv) The terms and place for the opening of bids.

(v) A statement concerning whether the bid must be accompanied by a certified check or other evidence of financial responsibility.

(vi) A statement concerning the conditions under which a bid proposal may be cancelled or rejected in whole or in part as specified in this procurement system.

(vii) A statement that any person entering into a contract for equipment, materials, ~~and~~ goods, **and services**, or ~~leases the lease~~ of equipment will be required to sign a noncollusion affidavit provided by the commission.

(B) Public notice shall be given in the manner required by subsection (b).

(C) Bids will be opened publicly in a public meeting of the commission as designated in the invitation for bids. At the time the bids are opened, the commission chairman or his designee will sign each bid.

(D) Bids will be:

(i) unconditionally accepted without alteration or correction, except as provided in subdivision (3); and

(ii) evaluated based on the requirements set forth in the invitation for bids.

(E) A contract will be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids as analyzed by the commission members.

(2) The following information will be subject to public inspection after the contract award:

(A) The invitation for bids.

(B) A list of all vendors who were sent the invitation for bids.

(C) The name and address of each bidder.

(D) The amount of each bid.

(E) A record showing the name of the successful bidder, the dollar amount of the bid, and the basis on which the award was made.

(F) The entire contents of the contract file, except for proprietary information, **which that** may have been included with a bid such as:

(i) trade secrets;

(ii) manufacturing process;

(iii) financial information not otherwise publicly available; or

(iv) other data **which that** does not bear on the competitive goals of public procurement, which was not required by the terms of the invitation for bids itself to be made available for public inspection.

A bidder will identify information **which he that the bidder** proposes to remain confidential and bind it separately from the remainder of the bid. Requests for public disclosure of information **which that** a bidder has identified as proprietary will be made to the commission chairman in writing. The commission chairman will examine the information to determine the validity of the bidder's request for confidentiality and will inform the bidder of the decision, which decision will become a part of the contract file.

(3) Withdrawal of a bid will be permitted before the exact date and hour for submission of bids, either by an agent of the bidder bearing proper authorization and identification who will receive and sign for the unopened bid packet, or by the timely receipt of a certified letter or telegram from the bidder. A bid already submitted may be modified by withdrawal of the bid as provided above and by a resubmission of the modified bid in compliance with the original bidding procedures. Neither the staff nor the facilities of the commission will be available to a bidder desiring to make modifications. The commission chairman has the authority to cancel awards or contracts based on bid mistakes when he determines that such action is in the best interest of the commission. Such action may be supported by a written determination made by the commission chairman. This subdivision will also apply to competitive sealed proposals.

(4) At the discretion of the commission chairman, bidders may be required to submit, with their bid, a bid guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in

the state. ~~of Indiana.~~ If such is required, the amount of the bid guarantee will be specified in the invitation to bid. Bid guarantees will be returned to bidders, upon request, at the successful completion of the contract. At the discretion of the commission chairman, a successful bidder may be required to submit, after the award has been made, a performance guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. ~~of Indiana.~~ If such is required, the amount of the performance guarantee and the time that it must be submitted will be specified in the invitation to bid. Performance guarantees will be returned, upon request, at the successful completion of the contract. A successful bidder shall be required to submit a noncollusion affidavit provided by the commission.

(d) The process for competitive sealed proposals shall be as follows:

(1) When the commission chairman makes a written determination that the use of competitive sealed bidding is either not practicable or not advantageous to the state or commission, the commission may award a contract using the following procedure instead of competitive sealed bidding as provided by subsection (c):

(A) Proposals will be solicited through a request for proposals, which must include the following:

- (i) The factors or criteria that will be used in evaluating the proposals.
- (ii) A statement concerning the relative importance of price and the other evaluation factors.
- (iii) A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility.
- (iv) A statement concerning whether discussions may be conducted with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements.

(B) Public notice will be given in the same manner as required by subsection (b).

(C) Proposals will be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.

(D) A register of proposals will be prepared and must be opened for public inspection after contract award. The register of proposals must contain the following:

- (i) The request for proposals.
- (ii) A list of all vendors who were sent the request for proposals.
- (iii) The name and address of each offeror.
- (iv) The amount of each offer.
- (v) A record showing the name of the successful offeror, the dollar amount of the offer, and the basis on which the award was made.
- (vi) The entire contents of the contract file, except for

proprietary information, ~~which that~~ may have been included with an offer such as:

- (AA) trade secrets;
- (BB) manufacturing processes;
- (CC) financial information not otherwise publicly available; or
- (DD) other data ~~which that~~ does not bear on the competitive goals of public procurement ~~which that~~ was not required by the terms of the request for proposals itself to be made available for public inspection.

An offeror will identify information ~~which he that the~~ offeror proposes to remain confidential and bind it separately from the remainder of his ~~or her~~ offer.

Requests for public disclosure of information ~~which that~~ an offeror has identified as proprietary will be made to the commission chairman in writing. The commission chairman will examine the information to determine the validity of the offeror's request for confidentiality and will inform the offeror of the decision, which decision will become a part of the contract file. After opening, but prior to the contract award, ~~the following information will be subject to public inspection:~~ the request for proposals, a list of all vendors who received the request for proposal, and the name and address of each offeror **will be subject to public inspection.**

(E) As provided in the request for proposals, discussions may be conducted with responsible and responsive offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.

(F) No discussions will be held with an offeror whose proposal fails to meet a mandatory requirement of the request for proposals.

(G) Discussions will be held to:

- (i) promote understanding of the commission's requirements and the offeror's proposals; and
- (ii) facilitate arriving at a contract that will be most advantageous to the commission taking into consideration price and other evaluation factors set forth in the request for proposals.

In conducting discussions, there must be no disclosure of any information derived from proposals submitted by competing offerors. The only factors or criteria that may be used in the evaluation of proposals are those specified in the request for proposals. The requirements of the commission as outlined in the request for proposal will not be altered.

(H) After identification of the responsible and responsive offeror whose proposal appears to be the most advantageous to the commission, the commission will enter into contract preparation activities with the offeror. If at any time the contract preparation activities are judged to be ineffective, the commission may cease all activities with the offeror and begin contract preparation activities with the next highest ranking offeror. This process may continue

until a completed contract is executed. The commission reserves the right to cease all contract preparation activities at any time and to reject all proposals if such action is determined by the commission chairman to be in the best interest of the commission.

(1) Award will be made to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the commission taking into consideration price and the other evaluation factors set forth in the request for proposals.

(2) At the discretion of the commission chairman, offerors may be required to submit, with their proposal, a proposal guarantee in the form of a certified check, a cashier's check, or a bond acquired from a surety company authorized to do business in the state. ~~of Indiana~~. If such is required, the amount of the proposal guarantee will be specified in the request for proposals. Proposal guarantees will be returned to offerors, upon request, after the execution of the contract. At the discretion of the commission chairman, a successful offeror may be required to submit, after the award has been made, a performance guarantee in the form of a certified check or a bond acquired from a surety company authorized to do business in the state. ~~of Indiana~~. If such is required, the amount of the performance guarantee and the time that it must be submitted will be specified in the request for proposal. Performance guarantees will be returned, upon request, at the successful completion of the contract.

(e) The process for cancellation or rejection of solicitations shall be as follows:

(1) Prior to opening, a solicitation (a solicitation of bids or a request for proposals) may be cancelled in whole or in part when the commission chairman determines in writing that such action is in the best interest of the commission for reasons, including, but not limited to, the following:

(A) The commission no longer requires the procurement of equipment, materials, ~~or~~ goods, **or services**, or ~~leases the lease~~ of equipment.

(B) The commission no longer can reasonably expect to fund the procurement.

(C) Proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable.

(2) When a solicitation is cancelled prior to opening, notice of cancellation will be sent to all businesses ~~which that~~ submitted a bid or proposal. The notice of cancellation will:

(A) identify the solicitation; and

(B) cite the reason for cancellation.

The reason for cancellation will be made part of the procurement file and will be available for public inspection.

(3) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the commission determines, in writing, that such action is in the commission's best interest for reasons, including, but not limited to, the following:

(A) The procurement of equipment, materials, ~~or~~ goods, **or**

**services**, or ~~leases the lease~~ of equipment is no longer required.

(B) Ambiguous or otherwise inadequate specifications were part of the solicitation.

(C) Prices exceed available funds, and it would not be appropriate to adjust quantities to come within available funds.

(D) All otherwise acceptable bids or proposals received are at clearly unreasonable prices.

(E) There is reason to believe that the bids or proposals:

(i) may not have been independently arrived at in open competition;

(ii) may have been collusive; or

(iii) may have been submitted in bad faith.

(4) When a solicitation is cancelled after opening but prior to award, a notice or rejection will be sent to all businesses ~~which that~~ submitted a bid or proposal. The notice of cancellation will:

(A) identify the solicitation; and

(B) cite the reason for cancellation.

The reason for rejection will be made part of the procurement file and will be available for public inspection.

(5) After opening but prior to award, individual bids or proposals may be formally rejected when the commission makes a written determination that:

(A) the business that submitted the bid or proposal is not responsible;

(B) the bid or proposal is not responsive in that it does not conform in all material respects to the requirements of the solicitation; and

(C) the equipment, materials, ~~or~~ goods, **or services**, or ~~leases the lease~~ of equipment offered ~~are~~ **is** unacceptable by reason of their failure to meet the requirements of the specifications or permissible alternatives or other acceptability criteria set forth in the solicitation.

The determination will be made a part of the contract file.

(f) Types of contract; prohibited contract shall be as follows:

(1) Any type of contract not otherwise prohibited by law or policy may be used. A firm, fixed price contract, however, is preferred. Any other type of contract may be used only when the commission determines that such use is in the commission's best interest. Any solicitation will include notice of the contract terms and conditions.

(2) Among the factors ~~which that~~ may be considered in selecting contract type are the following:

(A) The type or complexity of the procurement of equipment, materials, ~~or~~ goods, **or services**, or ~~leases the lease~~ of equipment.

(B) The difficulty of estimating performance costs, such as the inability of the commission to develop definitive specifications, to identify the risks to the contractor inherent in the nature of the work to be performed, or otherwise establish clearly the requirements of the contract.

(C) The administrative costs to both parties.

(D) The degree to which the commission must provide technical coordination during the performance of the contract.

- (E) The effect of the choice type on the amount of compensation to be expected.
- (F) The stability of material or commodity market prices or wage levels.
- (G) The urgency of the requirement.
- (H) The length of contract performance.
- (I) Federal requirements.

(3) A contract may contain an option for renewal or extension of its terms not otherwise prohibited by law or policy without modification for a specified period of time; however:

- (A) exercise of the option is at the discretion of the commission with mutual agreement by the contractor;
- (B) notice of such provision must be included in any solicitation;
- (C) such renewal or extension must be approved by the commission; and
- (D) such a contract for equipment, materials, ~~or goods, or~~ **services**, or the lease of equipment may be entered into for any period of time not to exceed one (1) year for equipment, materials, ~~or goods, or~~ **services**, or three (3) years for ~~leases the lease~~ of equipment if:

- (i) the term of the contract and the conditions for renewal or extension, if any, are included in the solicitation;
- (ii) funds are available for the first full year of the contract at the time of contracting;
- (iii) the solicitation and contract specify that payment and performance obligations for succeeding fiscal years are subject to appropriation and availability of funds for these years; and
- (iv) the solicitation requires that each bidder or offeror estimate the value of any nonrecurring costs ~~which that~~ will have been incurred but amortized, should the contract be ~~cancelled~~: **canceled**.

(g) Modification and termination of contracts for the procurement of equipment, materials, ~~or goods, or~~ **services**, or ~~leases the lease~~ of equipment shall be as follows:

- (1) A fixed price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract. The formula or other basis by which adjustment in contract price can be made will be specified in the solicitation and resulting contract. Any modifications or adjustments shall comply with all applicable law and policy. Adjustment allowed may be upward ~~or~~ downward, or both.
- (2) Some, but not all, of special conditions for which contract adjustment provisions may be permitted by the commission chairman to be included in a fixed price contract include changes due to rapid and substantial price fluctuations, which can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy) or rates controlled by law.

*(Bureau of Motor Vehicles; 140 IAC 8-2-4; filed Apr 27, 1989, 5:30 p.m.: 12 IR 1735; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595)*

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 8-3-1.1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **Rule 3. Service Charges**

#### **140 IAC 8-3-1.1 Pull service charge**

**Authority:** IC 9-14-2-2; IC 9-29-3-19

**Affected:** IC 9-16-1-5; IC 9-29-3

Sec. 1.1. (a) The pull service charge is the charge that the bureau of motor vehicles commission shall require for a requested low numbered ~~passenger~~ motor vehicle registration plate or a special numbered ~~passenger~~ motor vehicle registration plate as defined in subsections (b) through (c).

(b) As used in this rule, "low numbered ~~passenger~~ motor vehicle registration plate" means any ~~passenger~~ motor vehicle registration plate numbered from one (1) to one hundred (100) ~~before or~~ after the county designation number ~~and or~~ letter series designation, **or both**.

(c) As used in this rule, "special numbered ~~passenger~~ motor vehicle registration plate" means any plate, other than a low numbered ~~passenger~~ motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) The pull service charge for a low numbered ~~passenger~~ motor vehicle registration plate or a special numbered ~~passenger~~ motor vehicle registration plate is ~~twenty-five~~ **thirty** dollars (~~\$25~~), (**\$30**), regardless of the remaining life of the plate, to be collected at the time of issuance.

(e) All bureau of motor vehicle and bureau of motor vehicle commission employees are prohibited from requiring, receiving, suggesting, or condoning any political contribution or other unauthorized payment in exchange for a low or special numbered ~~passenger~~ motor vehicle registration plate. Any employee found to be in violation of this policy shall be subject to immediate dismissal from employment. Any other person who requires, receives, suggests, or condones a political contribution or other unauthorized payment for a low or special numbered ~~passenger~~ motor vehicle registration plate or assignment thereof, shall be barred from participation in this allocation program and may be subject to criminal sanctions.

(f) All amounts collected under this section shall be deposited in the state license branch fund. *(Bureau of Motor Vehicles; 140 IAC 8-3-1.1; filed Jan 16, 1990, 5:00 p.m.: 13 IR 1014, eff Jan 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-124 was filed Jan 16, 1990.]; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1260, eff Jan 1, 1998)*

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 8-3-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### **140 IAC 8-3-3 Forms service charge**

**Authority:** IC 9-14-2-2; IC 9-29-3-19

**Affected:** IC 9-16-1-5; IC 9-29-3

Sec. 3. (a) The forms fee is the service charge that all license branches shall charge for providing specified forms.

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(b) The forms service charge for providing the following specified forms shall be **five dollars (\$5) for each of the following specified forms:**

- |   |     |
|---|-----|
| (1) Power of attorney.  | \$† |
| (2) Affidavit for transfer of certificate of title for a vehicle without estate administration. | \$† |
| (3) Affidavit hold harmless.  | \$† |
| (4) Affidavit of ownership.   | \$† |
| (5) Affidavit personal name change.   | \$† |
| (6) Affidavit one (1) and the same person.  | \$† |

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-3; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998*)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 8-3-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-3-4 Speed title service charge

Authority: IC 9-14-2-2; IC 9-29-3-19

Affected: IC 9-16-1-5; IC 9-17-2; IC 9-29-3; IC 9-29-4-3

Sec. 4. (a) The speed title fee is the service charge that all license branches shall charge for processing motor vehicle titles in a processing period substantially shorter than the normal processing period. This **speed title** service charge shall be **collected** in addition to:

- (1) the title fee **under IC 9-29-4;**
- (2) the title service charge prescribed in IC 9-29-3;
- (3) any applicable title fee increase established by rule under 140 IAC 8-4; and
- (4) any other applicable title service charge under this rule.

(b) The speed title service charge shall be ~~twenty~~ **twenty-five** dollars (~~\$20~~): (**\$25**).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-4; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998*)

SECTION 9. UNDER IC 4-22-2.5-3, 140 IAC 8-3-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-3-5 Duplicate or corrected registration service charges

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-2; IC 9-29-3-18

Sec. 5. (a) The duplicate or corrected registration service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate or corrected vehicle registration. The duplicate or corrected registration service charge shall be collected in addition to the applicable statutory fee and any applicable fee increase established by rule under 140 IAC 8-4.

(b) ~~Notwithstanding IC 9-29-3-18,~~ The duplicate or corrected registration service charge, **which includes the service charge amount under IC 9-29-3-18,** shall be ~~two~~ **five** dollars (~~\$2~~): (**\$5**).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-5; filed Dec 5, 1988, 8:10 a.m.: 12 IR 908; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1261, eff Jan 1, 1998*)

SECTION 10. UNDER IC 4-22-2.5-3, 140 IAC 8-3-8 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-3-8 Vehicle registration service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-1; IC 9-29-3-4; IC 9-29-5

Sec. 8. (a) The vehicle registration service charge is the service charge, originally set forth in IC 9-29-3-4, that all license branches shall charge for the issuance of a vehicle registration or a temporary registration permit under IC 9-18-1.

(b) ~~Notwithstanding IC 9-29-3-4,~~ The vehicle registration service charge, **which includes the service charge amounts under IC 9-29-3-4,** shall be ~~two~~ **five** dollars and twenty-five cents (~~\$2.25~~) (**\$5.25**) at each branch for each registration. Of this service charge, one dollar and twenty-five cents (\$1.25) shall be withheld from the applicable statutory fee, and ~~one dollar (\$1)~~ **four dollars (\$4)** shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-8; filed Dec 12, 1990, 2:00 p.m.: 14 IR 1002; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2596; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1262, eff Jan 1, 1998*)

SECTION 11. UNDER IC 4-22-2.5-3, 140 IAC 8-3-12 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-3-12 Title service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-17-1; IC 9-29-3-5; IC 9-29-4; IC 9-29-14

Sec. 12. (a) The title service charge is the service charge under subsection (b) that all license branches shall collect for processing a vehicle certificate of title under IC 9-17-1.

(b) ~~Notwithstanding IC 9-29-3-5,~~ The title service charge, **which includes the service charge amount under IC 9-29-3-5,** shall be ~~two~~ **five** dollars (~~\$2~~): (**\$5**). Of this service charge, one dollar (\$1) shall be withheld from the applicable statutory fee, and ~~one dollar (\$1)~~ **four dollars (\$4)** shall be collected in addition to the applicable statutory fee or fees under IC 9-29-4, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-12; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998*)

SECTION 12. 140 IAC 8-3-13 IS AMENDED TO READ AS FOLLOWS:

**140 IAC 8-3-13 Delinquent title service charge**

**Authority:** IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

**Affected:** IC 9-16-1-5; IC 9-17; IC 9-29-3-6; IC 9-29-4-4; IC 9-29-14

Sec. 13. (a) The delinquent title service charge is the service charge under subsection (b) that all license branches shall charge for a delinquent application for a vehicle certificate of title.

(b) ~~Notwithstanding IC 9-29-3-6,~~ The delinquent title service charge, **which includes the service charge amount under IC 9-29-3-6,** shall be ~~seven~~ **twelve** dollars ~~(\$7).~~ **(\$12).** Of this service charge, two dollars (\$2) shall be withheld from the applicable statutory fee under IC 9-29-4-4, and ~~five~~ **ten** dollars ~~(\$5)~~ **(\$10)** shall be collected in addition to the applicable statutory fee under IC 9-29-4-4, any other applicable statutory fee under IC 9-29-4, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-13; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989*)

SECTION 13. 140 IAC 8-3-14 IS AMENDED TO READ AS FOLLOWS:

**140 IAC 8-3-14 Special motor vehicle identification number service charge**

**Authority:** IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

**Affected:** IC 9-16-1-5; IC 9-18; IC 9-29-3; IC 9-29-5-22; IC 9-29-14

Sec. 14. (a) The special motor vehicle identification number service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a special motor vehicle identification number. This fee shall be in addition to the applicable statutory fee for the issuance of a special motor vehicle identification number under IC 9-29-5-22, any other applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The special motor vehicle identification number service charge shall be ~~one dollar~~ **four dollars** and fifty cents ~~(\$1.50).~~ **(\$4.50).**

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-14; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998*)

SECTION 14. 140 IAC 8-3-15 IS AMENDED TO READ AS FOLLOWS:

**140 IAC 8-3-15 Transfer of vehicle registration service charge**

**Authority:** IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

**Affected:** IC 9-16-1-5; IC 9-18; IC 9-29-3; IC 9-29-5-23; IC 9-29-14

Sec. 15. (a) The transfer of vehicle registration service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a transferred vehicle registration.

(b) The transfer of vehicle registration service charge shall be ~~two five~~ **five** dollars ~~(\$2).~~ **(\$5).** Of this service charge, one dollar (\$1) shall be withheld from the statutory fee under IC 9-29-5-23, ~~and one dollar (\$1)~~ **four dollars (\$4)** shall be collected in addition to the applicable statutory fee, any other applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule, provided that the service charge established under section 8 of this rule shall not apply to the issuance of a transferred vehicle registration.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-15; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1264, eff Jan 1, 1998*)

SECTION 15. 140 IAC 8-3-16 IS AMENDED TO READ AS FOLLOWS:

**140 IAC 8-3-16 Miscellaneous special license plate service charge**

**Authority:** IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

**Affected:** IC 9-16-1-5; IC 9-18; IC 9-29-5

Sec. 16. (a) The miscellaneous special license plate service charge is the applicable service charge under subsection (b) that all license branches shall charge for the issuance of:

- (1) a personalized license plate issued under IC 9-18-15;
- (2) an amateur radio operator's license plate issued under IC 9-18-23;
- (3) a special group recognition license plate issued under IC 9-18-25;
- (4) an environmental license plate issued under IC 9-18-29;
- (5) a children's trust license plate issued under IC 9-18-30; and
- (6) an education license plate issued under IC 9-18-31.

(b) The miscellaneous special license plate service charge shall be ~~one dollar (\$1).~~ **four dollars (\$4).** The miscellaneous special license plate service charge shall be collected in addition to the applicable statutory fees under ~~IC 9-29-5;~~ **IC 9-29-5-32, IC 9-29-5-36, and IC 9-29-5-38,** any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(c) All service charges collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-16; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1263, eff Jan 1, 1998*)



## Readopted Rules

SECTION 16. 140 IAC 8-3-17 IS AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-3-17 Civic event license plate fee and service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-29-5-37

Affected: IC 9-16-1-5; IC 9-18-24; IC 9-29-3; IC 9-29-14

Sec. 17. (a) The civic event license plate fee is the fee to be established by rule under IC 9-29-5-37 for a civic event license plate issued under IC 9-18-24.

(b) The civic event license plate service charge is the service charge under subsection (d) that shall be charged for the issuance of a civic event license plate under IC 9-18-24.

(c) The civic event license plate fee shall be ~~five~~ **eight** dollars (~~\$5~~) (**\$8**).

(d) The civic event license plate service charge shall be ~~five~~ **eight** dollars (~~\$5~~) (**\$8**) and shall be collected in addition to the fee established in this section and any applicable fee increase established by rule under 140 IAC 8-4.

(e) All civic event license plate service charges shall be deposited in the state license branch fund.

(f) All civic event license plate fees shall be deposited with the treasurer of the state and credited to the motor vehicle highway account. (*Bureau of Motor Vehicles; 140 IAC 8-3-17; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1264, eff Jan 1, 1998; errata filed Mar 27, 1998, 9:40 a.m.: 21 IR 2989*)

SECTION 17. 140 IAC 8-3-18 IS AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-3-18 Additional service charge for permits and licenses

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24; IC 9-29-3-8

Sec. 18. (a) The additional service charge for permits and licenses is the applicable service charge under subsection (b) that all license branches shall charge for the issuance of the applicable permit or license to operate a motor vehicle, other than a commercial driver's license or permit, under IC 9-24-1. The additional service charge for permits and licenses shall be collected in addition to the applicable statutory fee for the applicable permit or license, the applicable fee increase established by rule under 140 IAC 8-4 for such permit or license, and any other applicable service charge currently withheld from the statutory fee under IC 9-29-3 provided that, notwithstanding IC 9-29-3-8, the applicable service charge currently withheld from the statutory fee for an operator's license or a motorcycle operator's license is established under section 9 of this rule.

(b) The additional service charges for permits and licenses are as follows:

(1) ~~One dollar (\$1)~~ **Four dollars (\$4)** for the following:

(A) A learner's permit issued under IC 9-24-7.

(B) A motorcycle learner's permit issued under IC 9-24-8.

(C) A duplicate or amended learner's permit or motorcycle learner's permit issued under IC 9-24-14.

(2) ~~Two Five dollars (\$2) (\$5)~~ for the following:

(A) An operator's license issued under IC 9-24-11.

(B) A motorcycle operator's license issued under IC 9-24-8.

(C) A chauffeur's license issued under IC 9-24-4.

(D) A public passenger chauffeur's license issued under IC 9-24-5.

(E) A motorcycle endorsement of an operator's license or a chauffeur's license issued under IC 9-24-8.

(F) A duplicate or amended operator's license, chauffeur's license, public passenger chauffeur's license, or motorcycle operator's license issued under IC 9-24-14.

(3) ~~One dollar~~ **Four dollars** and fifty cents (~~\$1.50~~) (**\$4.50**) for a motorcycle endorsement of a public passenger chauffeur's license.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-18; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998*)

SECTION 18. 140 IAC 8-3-19 IS AMENDED TO READ AS FOLLOWS:

### 140 IAC 8-3-19 Commercial driver's license service charge

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24-6; IC 9-29-9; IC 9-29-14

Sec. 19. (a) The commercial driver's license service charge is the applicable service charge under subsection (b) that all license branches shall charge for the applicable permit or license to operate a commercial motor vehicle under IC 9-24-6.

(b) The applicable commercial driver's license service charge shall be as follows:

(1) For a commercial driver's license learner's permit, the commercial driver's license service charge shall be ~~two five~~ **four** dollars (~~\$2) (\$5)~~ and shall be collected in addition to the fee established by rule under 140 IAC 7-3-15(a)(3).

(2) For a duplicate or amended commercial driver's license learner's permit, the commercial driver's license service charge shall be ~~one dollar (\$1)~~ **four dollars (\$4)** and shall be collected in addition to the fee established by rule under 140 IAC 7-3-15(a)(4).

(3) For a commercial driver's license endorsement issued at the time of application for the license that is to be endorsed, or for a commercial driver's license endorsement at any time other than the time of application for the license that is to be endorsed, the service charge shall be ~~one dollar (\$1)~~ **four dollars (\$4)** and shall be collected in addition to the applicable fee under 140 IAC 7-3-15 and the applicable service charge withheld from such fee under 140 IAC 7-3-15.

(c) All amounts collected under this section shall be deposited

in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-19; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998*)

SECTION 19. 140 IAC 8-3-20 IS AMENDED TO READ AS FOLLOWS:

**140 IAC 8-3-20 Identification card service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24-16; IC 9-29-3-14; IC 9-29-9-15; IC 9-29-14

Sec. 20. (a) The identification card service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of an identification card under IC 9-24-16. The identification card service charge shall be collected in addition to the applicable statutory fee for the issuance of an identification card and the applicable service charge currently withheld from the statutory fee under IC 9-29-3-14.

(b) The identification card service charge shall be ~~one dollar (\$1)~~ **four dollars (\$4)**.

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-20; filed Nov 13, 1997, 12:00 p.m.: 21 IR 1265, eff Jan 1, 1998*)

SECTION 20. 140 IAC 8-3-21 IS ADDED TO READ AS FOLLOWS:

**140 IAC 8-3-21 Duplicate or replacement license plate service charge increase**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-2; IC 9-29-5-17

Sec. 21. (a) The duplicate or replacement license plate service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate or replacement license plate. The duplicate or replacement license plate service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The duplicate or replacement license plate service charge shall be five dollars (\$5).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-21*)

SECTION 21. 140 IAC 8-3-22 IS ADDED TO READ AS FOLLOWS:

**140 IAC 8-3-22 Duplicate title service charge increase**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-17; IC 9-29-4-5; IC 9-29-3-5

Sec. 22. (a) The duplicate title service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a duplicate title. The duplicate title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The duplicate title service charge shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-22*)

SECTION 22. 140 IAC 8-3-23 IS ADDED TO READ AS FOLLOWS:

**140 IAC 8-3-23 Watercraft certificate of title service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22 IC 9-31-1-5

Affected: IC 9-16-1-5; IC 9-29-15-1; IC 9-31

Sec. 23. (a) The watercraft certificate of title service charge is the service charge under subsection (b) that all license branches shall charge for the issuance of a watercraft certificate of title. The watercraft certificate of title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The watercraft certificate of title service charge shall be three dollars (\$3).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-23*)

SECTION 23. 140 IAC 8-3-24 IS ADDED TO READ AS FOLLOWS:

**140 IAC 8-3-24 Late application for watercraft certificate of title service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-31-1-5

Affected: IC 9-16-1-5; IC 9-29-15-3; IC 9-31

Sec. 24. (a) The late application for watercraft certificate of title service charge is the service charge under subsection (b) that all license branches shall charge for the processing of a late application for a watercraft certificate of title. The late application for watercraft certificate of title service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

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## Readopted Rules

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(b) The late application for watercraft certificate of title service charge shall be seven dollars (\$7).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-24*)

SECTION 24. 140 IAC 8-3-25 IS ADDED TO READ AS FOLLOWS:

**140 IAC 8-3-25 Hull identification number service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22; IC 9-31-1-5

Affected: IC 9-16-1-5; IC 9-29-15-2; IC 9-31

Sec. 25. (a) The hull identification number service charge is the service charge under subsection (b) that all license branches shall charge for the assignment of a hull identification number for a watercraft. The hull identification number service charge shall be collected in addition to the applicable statutory fee, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(b) The hull identification number service charge shall be four dollars (\$4).

(c) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-25*)

SECTION 25. 140 IAC 8-3-26 IS ADDED TO READ AS FOLLOWS:

**140 IAC 8-3-26 Delinquent registration service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-18-2; 9-29-3

Sec. 26. (a) The delinquent registration service charge is the service charge under subsection (d) that all license branches shall charge for processing a delinquent registration.

(b) The delinquent registration service charge shall be collected when a registrant fails to apply and/or provide full payment for the registration of a vehicle, as required by IC 9-18, on or prior to the vehicle registration expiration date.

(c) The delinquent registration service charge shall be collected in addition to the applicable statutory registration fees, any applicable registration fee increase established by rule under 140 IAC 8-4, any applicable tax, and any other applicable service charge under this rule.

(d) The delinquent registration service charge shall be five dollars (\$5).

(e) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-26*)

SECTION 26. 140 IAC 8-3-27 IS ADDED TO READ AS FOLLOWS:

**140 IAC 8-3-27 Delinquent license renewal service charge**

Authority: IC 9-14-2-2; IC 9-29-3-19; IC 9-29-3-22

Affected: IC 9-16-1-5; IC 9-24-12; IC 9-29-3

Sec. 27. (a) The delinquent license renewal service charge is the service charge under subsection (d) that all license branches shall charge for processing an expired driver license.

(b) The delinquent license renewal service charge shall be collected when a driver fails to renew his/her driver license, in accordance with IC 9-24-12, on or prior to the driver license expiration date.

(c) The delinquent license renewal service charge shall be collected in addition to the applicable statutory fees, any applicable fee increase established by rule under 140 IAC 8-4, and any other applicable service charge under this rule.

(d) The delinquent license renewal service charge shall be five dollars (\$5).

(e) All amounts collected under this section shall be deposited in the state license branch fund. (*Bureau of Motor Vehicles; 140 IAC 8-3-27*)

SECTION 27. 140 IAC 8-3-2 IS REPEALED.

**Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-3, notice is hereby given that on August 6, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt, amend, repeal, and add rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Tamara Brown  
Legal Department  
Indiana Bureau of Motor Vehicles  
100 North Senate Avenue, Room 440  
Indianapolis, Indiana 46204.*

*Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gary A. Gibson  
Commissioner  
Bureau of Motor Vehicles

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**TITLE 140 BUREAU OF MOTOR VEHICLES**

LSA Document #01-155

**DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

**140 IAC 8-1-1**                      **140 IAC 8-3-9**  
**140 IAC 8-1-2**                      **140 IAC 8-3-10**  
**140 IAC 8-3-6**                      **140 IAC 8-3-11**  
**140 IAC 8-3-7**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

140 IAC 8-1-1 Purpose  
140 IAC 8-1-2 Intent  
140 IAC 8-3-6 Miscellaneous items sold service charge  
140 IAC 8-3-7 Credit card handling service charge  
140 IAC 8-3-9 Operator's license service charge  
140 IAC 8-3-10 Handicapped parking placard eligibility, fees, and service charges  
140 IAC 8-3-11 Excise tax collection service charges

**Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 6, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Tamara Brown, Legal Department  
Indiana Bureau of Motor Vehicles  
100 North Senate Avenue, Room 440  
Indianapolis, Indiana 46204*

*Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gary Gibson  
Commissioner  
Bureau of Motor Vehicles

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**TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA**

LSA Document #01-48

**DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on

December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

**355 IAC 4-0.5**                      **355 IAC 4-4**  
**355 IAC 4-1**                      **355 IAC 4-5**  
**355 IAC 4-2**                      **355 IAC 4-6**  
**355 IAC 4-3**                      **355 IAC 5**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

355 IAC 4-0.5 Definitions  
355 IAC 4-1 Categorization of Licenses and Certificates  
355 IAC 4-2 Site Awareness and Direct Supervision of Non-Certified Applicators  
355 IAC 4-3 Financial Responsibility of Commercial Applicators  
355 IAC 4-4 Records  
355 IAC 4-5 Licensed Applicators (for Hire) and Registered Technicians; Qualifications, Training and Supervision; Category 7B  
355 IAC 4-6 Training Requirements for Licensed Applicators and Registered Technicians; Category 3B  
355 IAC 5 PRIMARY AND SECONDARY CONTAINMENT OF PESTICIDES

**Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on September 14, 2001 at 9:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry Building, Room A151, West Lafayette, Indiana the State Chemist of the State of Indiana will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Office of the Indiana State Chemist  
Dave Scott  
Pesticide Administrator  
Purdue University  
1154 Biochemistry Building, Room A151  
West Lafayette, Indiana 47907*

*Copies of these rules are now on file at the State Chemist of the State of Indiana, Purdue University, 1154 Biochemistry Building, West Lafayette and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

David Scott  
Indiana State Chemist  
State Chemist of the State of Indiana

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## Readopted Rules

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### TITLE 357 INDIANA PESTICIDE REVIEW BOARD

LSA Document #01-49

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

**357 IAC 1-1**                      **357 IAC 1-5**  
**357 IAC 1-3**                      **357 IAC 1-6**  
**357 IAC 1-4**                      **357 IAC 1-7**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

357 IAC 1-1    Definition of a Pest  
357 IAC 1-3    Distribution of Pesticide Products with Restricted Uses  
357 IAC 1-4    List of Restricted Use Pesticides  
357 IAC 1-5    Outdoor Lawn Pesticide Applications; Notification and Posting  
357 IAC 1-6    Civil Penalty Assessment Schedule; Pesticide Registration  
357 IAC 1-7    Civil Penalty Assessment Schedule; Pesticide Use and Application

#### **Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on September 14, 2001 at 11:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry Building, Room A151, West Lafayette, Indiana the Indiana Pesticide Review Board will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*David Scott  
Board Secretary  
Office of the Indiana State Chemist  
Purdue University  
1154 Biochemistry Building, Room A151  
West Lafayette, Indiana 47907*

*Copies of these rules are now on file at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry Building, West Lafayette and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

David E. Scott  
Board Secretary  
Indiana Pesticide Review Board

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### TITLE 560 INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD

LSA Document #01-119

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

#### **560 IAC 2**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

#### **560 IAC 2 GENERAL PROVISIONS**

#### **Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 22, 2001 at 10:00 a.m., at the Indiana Government Center-North, 100 North Senate Avenue, Meeting Room 1045, Indianapolis, Indiana the Indiana Education Employment Relations Board will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Ivan Floyd  
Indiana Education Employment Relations Board  
100 North Senate Avenue, Suite 1049  
Indianapolis, Indiana 46204*

*Copies of these rules are now on file at the Indiana Education Employment Relations Board, Indiana Government Center-North, 100 North Senate Avenue, Suite 1049 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Dennis P. Neary  
Chairman  
Indiana Education Employment Relations Board

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### TITLE 710 SECURITIES DIVISION

LSA Document #01-107

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on Decem-

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## Readopted Rules

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ber 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

<b>710 IAC 1-8</b>	<b>710 IAC 1-15</b>
<b>710 IAC 1-9</b>	<b>710 IAC 1-16</b>
<b>710 IAC 1-10</b>	<b>710 IAC 1-17</b>
<b>710 IAC 1-11</b>	<b>710 IAC 1-18</b>
<b>710 IAC 1-12</b>	<b>710 IAC 1-19</b>
<b>710 IAC 1-13</b>	<b>710 IAC 1-20</b>
<b>710 IAC 1-14</b>	<b>710 IAC 1-21</b>

SECTION 1. UNDER 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

710 IAC 1-8 General Provisions  
710 IAC 1-9 Securities Registration  
710 IAC 1-10 Disclosure Requirements  
710 IAC 1-11 Reporting Requirements  
710 IAC 1-12 Merit Standards  
710 IAC 1-13 Exemptions  
710 IAC 1-14 Broker-dealers  
710 IAC 1-15 Agents  
710 IAC 1-16 Investment Advisers  
710 IAC 1-17 Standards of Practice  
710 IAC 1-18 Financial Statements  
710 IAC 1-19 Division Proceedings  
710 IAC 1-20 Records and Investigations  
710 IAC 1-21 Investigation; Rules of Practice

### ***Notice of Public Hearing***

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 8, 2001 at 10:00 a.m., at the Indiana Securities Division, Indiana Government Center-South, 302 West Washington Street, Room E111, Indianapolis, Indiana the Securities Division will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Kathleen Guymon Blackham  
Chief Deputy Securities Commissioner  
Indiana Government Center-South  
302 West Washington Street, Room E111  
Indianapolis, Indiana 46204*

*Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E111 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Bradley W. Skolnik  
Securities Commissioner  
Securities Division

## **TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #01-130

### **DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

<b>760 IAC 1-1</b>	<b>760 IAC 2-1</b>
<b>760 IAC 1-3</b>	<b>760 IAC 2-2</b>
<b>760 IAC 1-5</b>	<b>760 IAC 2-3</b>
<b>760 IAC 1-6.2</b>	<b>760 IAC 2-4</b>
<b>760 IAC 1-7</b>	<b>760 IAC 2-5</b>
<b>760 IAC 1-8</b>	<b>760 IAC 2-6</b>
<b>760 IAC 1-9</b>	<b>760 IAC 2-7</b>
<b>760 IAC 1-10</b>	<b>760 IAC 2-8</b>
<b>760 IAC 1-11</b>	<b>760 IAC 2-9</b>
<b>760 IAC 1-12</b>	<b>760 IAC 2-10</b>
<b>760 IAC 1-13</b>	<b>760 IAC 2-11</b>
<b>760 IAC 1-14</b>	<b>760 IAC 2-12</b>
<b>760 IAC 1-15.1</b>	<b>760 IAC 2-13</b>
<b>760 IAC 1-16.1</b>	<b>760 IAC 2-14</b>
<b>760 IAC 1-18</b>	<b>760 IAC 2-15</b>
<b>760 IAC 1-19</b>	<b>760 IAC 2-16</b>
<b>760 IAC 1-20</b>	<b>760 IAC 2-17</b>
<b>760 IAC 1-21</b>	<b>760 IAC 2-18</b>
<b>760 IAC 1-23</b>	<b>760 IAC 2-19</b>
<b>760 IAC 1-24</b>	<b>760 IAC 2-20</b>
<b>760 IAC 1-27</b>	<b>760 IAC 3-1</b>
<b>760 IAC 1-31</b>	<b>760 IAC 3-2</b>
<b>760 IAC 1-32</b>	<b>760 IAC 3-3</b>
<b>760 IAC 1-33</b>	<b>760 IAC 3-4</b>
<b>760 IAC 1-34</b>	<b>760 IAC 3-5</b>
<b>760 IAC 1-35</b>	<b>760 IAC 3-6</b>
<b>760 IAC 1-36</b>	<b>760 IAC 3-7</b>
<b>760 IAC 1-37</b>	<b>760 IAC 3-8</b>
<b>760 IAC 1-38.1</b>	<b>760 IAC 3-9</b>
<b>760 IAC 1-39</b>	<b>760 IAC 3-10</b>
<b>760 IAC 1-40</b>	<b>760 IAC 3-11</b>
<b>760 IAC 1-41</b>	<b>760 IAC 3-12</b>
<b>760 IAC 1-46</b>	<b>760 IAC 3-13</b>
<b>760 IAC 1-48</b>	<b>760 IAC 3-14</b>
<b>760 IAC 1-49</b>	<b>760 IAC 3-15</b>
<b>760 IAC 1-51</b>	<b>760 IAC 3-16</b>
<b>760 IAC 1-52</b>	<b>760 IAC 3-17</b>
<b>760 IAC 1-53</b>	<b>760 IAC 3-18</b>
<b>760 IAC 1-54</b>	<b>760 IAC 3-19</b>
<b>760 IAC 1-55</b>	<b>760 IAC 3-20</b>
<b>760 IAC 1-56</b>	

SECTION 1. UNDER 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

## Readopted Rules

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| <p>760 IAC 1-1 Automobile Liability Insurance – Policy Form</p> <p>760 IAC 1-3 Domestic Stock Insurance Companies – Organization, Promotion and Capital Enlargement</p> <p>760 IAC 1-5 Credit Life, Accident and Health Insurance – Premium Rates and Refunds</p> <p>760 IAC 1-6.2 Bail Agents and Recovery Agents</p> <p>760 IAC 1-7 Segregated Investment Account Contracts</p> <p>760 IAC 1-8 Accident and Sickness Insurance – “Noncancellable” and “Guaranteed Renewable” Insurance Defined</p> <p>760 IAC 1-9 Accident and Sickness Insurance – Valuation of Individual Policies</p> <p>760 IAC 1-10 Life, Accident and Sickness Insurance – Assessment Plan Insurance Policies</p> <p>760 IAC 1-11 Domestic Stock Insurance Companies – Proxies, and Consents and Authorizations</p> <p>760 IAC 1-12 Domestic Stock Insurance Companies – Insider Trading of Equity Securities</p> <p>760 IAC 1-13 Solicitation and Sale of Specialty and Other Life Insurance and Annuities</p> <p>760 IAC 1-14 Credit Life, Accident and Health Insurance – Compensation to Creditors and Agents</p> <p>760 IAC 1-15.1 Insurance Holding Company Systems</p> <p>760 IAC 1-16.1 Replacement of Existing Life Insurance Policies</p> <p>760 IAC 1-18 Accident and Sickness Insurance – Advertising</p> <p>760 IAC 1-19 Group Accident and Sickness Insurance – Succeeding Carrier Requirements</p> <p>760 IAC 1-20 Individual Deferred Annuity Policies and Riders</p> <p>760 IAC 1-21 Medical Malpractice Insurance</p> <p>760 IAC 1-23 Accident and Sickness Insurance – Claim Forms</p> <p>760 IAC 1-24 Life Insurance Solicitation</p> <p>760 IAC 1-27 Examination and License Fee</p> <p>760 IAC 1-31 Arson Investigation Financial Assistance Fund and Arson Protection and Education Fund</p> <p>760 IAC 1-32 Blended Mortality Tables</p> <p>760 IAC 1-33 Variable Life Insurance</p> <p>760 IAC 1-34 Unfair Discrimination on the Basis of Blindness or Partial Blindness</p> <p>760 IAC 1-35 New Annuity Mortality Tables</p> <p>760 IAC 1-36 Smoker/Nonsmoker Mortality Tables</p> <p>760 IAC 1-37 Political Subdivision Risk Management Fund</p> <p>760 IAC 1-38.1 Group Coordination of Benefits</p> <p>760 IAC 1-39 AIDS Questioning, Testing and Coverage</p> <p>760 IAC 1-40 Agent Prelicensing Study Program</p> <p>760 IAC 1-41 Insurance Administrators</p> <p>760 IAC 1-46 Registration of Utilization Review Agents</p> <p>760 IAC 1-48 Standards for Accelerated Benefit Provisions of Individual and Group Life Insurance Policies and Required Disclosures</p> <p>760 IAC 1-49 Registration of Medical Claims Review Agents</p> | <p>760 IAC 1-51 Procedures for Reinsurance Intermediaries</p> <p>760 IAC 1-52 Managing General Agents; Procedures</p> <p>760 IAC 1-53 Standards for Companies Deemed to be in Hazardous Financial Condition</p> <p>760 IAC 1-54 Limitations on Investments in Subsidiaries</p> <p>760 IAC 1-55 Life and Accident and Health Insurers; Reinsurance Agreements</p> <p>760 IAC 1-56 Credit for Reinsurance</p> <p>760 IAC 2-1 General Provisions</p> <p>760 IAC 2-2 Definitions</p> <p>760 IAC 2-3 Policy Practices and Provisions</p> <p>760 IAC 2-4 Required Disclosure Provisions</p> <p>760 IAC 2-5 Prohibition Against Post-Claims Underwriting</p> <p>760 IAC 2-6 Home Health Care Benefits in Long Term Care Insurance Policies</p> <p>760 IAC 2-7 Inflation Protection Offer</p> <p>760 IAC 2-8 Application Forms and Replacement Coverage</p> <p>760 IAC 2-9 Reporting Requirements</p> <p>760 IAC 2-10 Licensing</p> <p>760 IAC 2-11 Discretionary Powers of the Commissioner</p> <p>760 IAC 2-12 Reserve Standards</p> <p>760 IAC 2-13 Loss Ratio</p> <p>760 IAC 2-14 Filing Requirements</p> <p>760 IAC 2-15 Marketing</p> <p>760 IAC 2-16 Purchase or Replacement</p> <p>760 IAC 2-17 Outline of Coverage</p> <p>760 IAC 2-18 Shopper’s Guide</p> <p>760 IAC 2-19 Penalties</p> <p>760 IAC 2-20 Indiana Long Term Care Program</p> <p>760 IAC 3-1 General Provisions</p> <p>760 IAC 3-2 Definitions</p> <p>760 IAC 3-3 Policy Definitions and Terms</p> <p>760 IAC 3-4 Policy Provisions</p> <p>760 IAC 3-5 Minimum Benefit Standards</p> <p>760 IAC 3-6 Benefit Standards</p> <p>760 IAC 3-7 Standard Medicare Supplement Benefit Plans</p> <p>760 IAC 3-8 Medicare Select Policies and Certificates</p> <p>760 IAC 3-9 Open Enrollment</p> <p>760 IAC 3-10 Standards for Claims Payment</p> <p>760 IAC 3-11 Loss Ratio Standards and Refund or Credit of Premium</p> <p>760 IAC 3-12 Filing and Approval of Policies and Certificates and Premium Rates</p> <p>760 IAC 3-13 Permitted Compensation Arrangements</p> <p>760 IAC 3-14 Required Disclosure Provisions</p> <p>760 IAC 3-15 Requirements for Application Forms and Replacement Coverage</p> <p>760 IAC 3-16 Filing Requirements for Advertising</p> <p>760 IAC 3-17 Standards for Marketing</p> <p>760 IAC 3-18 Recommended Purchase and Excessive Insurance</p> <p>760 IAC 3-19 Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods, and Probation</p> <p>760 IAC 3-20 Separability</p> |
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**Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 1, 2001 at 10:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing to readopt rules.*

*Request for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Amy Strati  
Legal Division  
Department of Insurance  
311 West Washington Street  
Suite 300  
Indianapolis, Indiana.*

*Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Sally McCarty  
Commissioner  
Department of Insurance

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**TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE**

LSA Document #01-56

**DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

**832 IAC 3-2-2**

SECTION 1. UNDER IC 4-22-2.5-3, 832 IAC 3-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**832 IAC 3-2-2 Recognized funeral service intern examination**

**Authority:** IC 25-15-9-8

**Affected:** IC 25-15-4-2

Sec. 2. (a) An examination conducted by a person other than the board ~~consisting of at least five hundred (500) questions concerning funeral service~~ may satisfy the funeral service intern examination requirement under section 1 of this rule, provided the examination is preapproved by the board and conducted by a nationally recognized testing service ~~which that~~ is under contract with the boards of at least three (3) other states to provide testing and grading in the field of funeral service.

(b) The examination shall consist of two (2) parts, one concerning funeral service science and the other concerning funeral service arts. To pass the examination, an individual must

obtain a score of seventy-five percent (75%) or higher for the total examination. If, however, the individual scores less than seventy percent (70%) on either part of the examination, the individual will fail the examination. A score of at least seventy-five percent (75%) is required to pass a retake of either section of the examination. (*State Board of Funeral and Cemetery Service; 832 IAC 3-2-2; filed Mar 13, 1987, 8:30 a.m.: 10 IR 1701; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1901*)

**Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 2, 2001 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the State Board of Funeral and Cemetery Service will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separated from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Indiana Professional Licensing Agency  
Attention: Staff Counsel  
302 West Washington Street  
Room E034  
Indianapolis, Indiana 46204-2700.*

*Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gerald H. Quigley  
Executive Director  
Indiana Professional Licensing Agency

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**TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

LSA Document #01-131

**DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

**844 IAC 11-1-2**

**844 IAC 11-4-8**

**844 IAC 11-3-2**

**844 IAC 11-5-1**

**844 IAC 11-3-3**

**844 IAC 11-5-3**

**844 IAC 11-3-4**

**844 IAC 11-5-4**

**844 IAC 11-4-5**

**844 IAC 11-5-5**

**844 IAC 11-4-6**

SECTION 1. UNDER IC 4-22-2.5-3, 844 IAC 11-1-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:



## Readopted Rules

### 844 IAC 11-1-2 "School or program" defined

Authority: IC 25-34.5-2-7

Affected: IC 25-34.5-2-8

Sec. 2. "School or program", as mentioned in IC 25-34.5-2-8(b), means a program for the education of respiratory care practitioners, **including the following:**

(1) The following units, modules, or courses of instruction must be included:

(A) The following basic sciences:

- (i) Biology.
- (ii) Cardiopulmonary anatomy and physiology.
- (iii) Chemistry.
- (iv) Computer science.
- (v) Human anatomy and physiology.
- (vi) Mathematics.
- (vii) Microbiology.
- (viii) Pharmacology.
- (ix) Physics.
- (x) Psychology.

(B) The following clinical sciences:

- (i) Cardiopulmonary diseases.
- (ii) General medical and surgical specialties.
- (iii) Pathology.
- (iv) Pediatrics and perinatology.

(C) The following respiratory care content areas:

- (i) Aerosol therapy.
- (ii) Airway management.
- (iii) Assessment of patients' cardiopulmonary status.
- (iv) Cardiopulmonary diagnostics and interpretation.
- (v) Cardiopulmonary monitoring and interpretation.
- (vi) Cardiopulmonary rehabilitation and home care.
- (vii) Cardiopulmonary resuscitation.
- (viii) Chest physiotherapy.
- (ix) Ethics of respiratory care and medical care.
- (x) Gas therapy general patient care.
- (xi) Humidity therapy.
- (xii) Hyperinflation therapy.
- (xiii) Mechanical ventilation management.
- (xiv) Oxygen therapy.
- (xv) Pediatrics and perinatology.

(2) The committee shall maintain a list of programs for the education of respiratory care practitioners which meet the standards set by the board. This list shall be available in written form from the health professions bureau.

The board hereby adopts the standards and guidelines of the Commission on Accreditation of Allied Health Education Programs for the Profession of Respiratory Care adopted in 1962 and revised in 1972, 1977, 1986, and 2000. The standards and guidelines are hereby incorporated by reference and made applicable to this title and specifically to this section. A current copy of the document may be purchased by contacting the Committee on Accreditation for Respiratory Care, 1248 Harwood Road, Bedford, Texas 76021-4244 or the Health Professions Bureau, Indiana

Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204. (*Medical Licensing Board of Indiana; 844 IAC 11-1-2; filed Oct 26, 1990, 3:05 p.m.: 14 IR 448*)

SECTION 2. UNDER IC 4-22-2.5-3, 844 IAC 11-3-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 844 IAC 11-3-2 Licensure by examination

Authority: IC 25-34.5-2-7

Affected: IC 25-34.5-2-8; IC 25-34.5-2-9

Sec. 2. The committee shall issue a **certificate license** by examination to an applicant who completes the following:

(1) Applies to the committee in the form and manner prescribed by the board.

(2) Submits the fees specified in 844 IAC 11-2-1.

(3) Successfully completes ~~the~~ and **submits an official credential report that verifies passing a respiratory care practitioner examination** required by the committee.

(4) Submits a certificate of completion to the committee of the applicant's graduation from a school or program of respiratory care that meets the standards set by the board under 844 IAC 11-1-4.

(5) (4) Submits two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom.

(6) (5) Submits an official transcript of grades from the school or program from which the applicant obtained the applicant's degree which shows that all requirements for graduation have been met by the applicant **that meets the standards set by the board under 844 IAC 11-1-2.**

(7) (6) Otherwise meets the requirements of IC 25-34.5-2-8. (*Medical Licensing Board of Indiana; 844 IAC 11-3-2; filed Oct 26, 1990, 3:05 p.m.: 14 IR 449*)

SECTION 3. UNDER IC 4-22-2.5-3, 844 IAC 11-3-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 844 IAC 11-3-3 Licensure by endorsement

Authority: IC 25-34.5-2-7

Affected: IC 25-34.5-2-8; IC 25-34.5-2-11

Sec. 3. The committee may issue a **certificate license** by endorsement to an applicant who completes the following:

(1) Applies to the committee in the form and manner required by the board.

(2) Submits the fees required under 844 IAC 11-2-1.

(3) Submits two (2) recent passport-quality photographs of the applicant, no smaller than two (2) inches by two (2) inches, each signed by the applicant at the bottom in black ink.

(4) ~~Submits a certificate of completion to the committee of the applicant's graduation from a school or program of respiratory care that meets the standards set by the board under 844 IAC 11-1-2.~~

~~(5)~~ (4) Submits an official transcript of grades from the school or program from which the applicant obtained the applicant's degree which shows that all requirements for graduation have been met by the applicant **that meets the standards set by the board under 844 IAC 11-1-2.**

~~(6)~~ Submits verification of licensure/certification status from the initial state in which the applicant has been or is currently licensed/certified.

~~(7)~~ (5) Submits verification from all states in which the applicant has been or is currently licensed/certified which statement shall include whether the applicant has ever been disciplined in any manner.

**(6) Submits an official credentials report that verifies passing a respiratory care practitioner examination approved by the board.**

~~(8)~~ (7) Otherwise meets the requirements of IC 25-34.5-2-8.

*(Medical Licensing Board of Indiana; 844 IAC 11-3-3; filed Oct 26, 1990, 3:05 p.m.: 14 IR 449)*

SECTION 4. UNDER IC 4-22-2.5-3, 844 IAC 11-3-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-3-4 Temporary permits by endorsement**

Authority: IC 25-34.5-2-6; IC 25-34.5-2-7

Affected: IC 25-34.5-2-10.1

Sec. 4. (a) An applicant for a temporary permit **by endorsement** under IC 25-34.5-2-10.1(a)(1) who submits proof of current certification or licensure to practice respiratory care from another state may be issued a temporary permit.

(b) An applicant for a temporary permit under IC 25-34.5-2-10.1(a)(2) who submits proof that the state in which the applicant is practicing does not require licensure or certification and proof of current ~~certification~~ credentials from ~~the a national Board of~~ respiratory care **association approved by the committee** may be issued a temporary permit.

(c) ~~An applicant for~~ A temporary permit **expires the earlier of the date the:**

**(1) person holding the permit is issued a license** under ~~IC 25-34.5-2-10.1(a)(3) will be required to take the first available examination for certification. A temporary permit of an applicant who fails to appear for the scheduled examination will be invalidated. If the applicant presents an explanation to the committee in writing which shows food cause for missing the scheduled examination; the committee may allow the applicant to submit a new application for a temporary permit. IC 25-34.5-2-11; or~~

**(2) committee disapproves the person's license application.**

*(Medical Licensing Board of Indiana; 844 IAC 11-3-4; filed Apr 15, 1994, 5:00 p.m.: 17 IR 2078)*

SECTION 5. UNDER IC 4-22-2.5-3, 844 IAC 11-4-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-4-5 Incompetent practice**

Authority: IC 25-34.5-2-7

Affected: IC 25-34.5-2

Sec. 5. The following establishes incompetent practice of a respiratory care practitioner:

(1) Willful or repeated violation of a rule of the medical licensing board of Indiana or a lawful order of the committee previously entered in a disciplinary hearing.

(2) Accepting or performing professional responsibilities which the ~~certificate~~ **license** holder knows, or has reason to know, he or she is not competent to perform.

(3) Professional incompetence in the practice of respiratory care.

(4) Failure to deliver respiratory care services with a level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner with similar professional training as being acceptable under similar conditions and circumstances.

(5) Exercising influence on a patient in such a manner as to exploit the patient for financial gain of the certificate holder or a third party, which shall include, but not be limited to, the promoting or selling of services, goods, or appliances.

(6) Payment or receipt of any commission, bonus, kickback, rebate, or fee splitting arrangement in any form whatsoever with any person or organization. This subdivision shall not be construed to prevent the certificate holder from receiving a fee for professional consultation services.

(7) Exercising influence within a respiratory care relationship for purposes of engaging a patient in sexual activity.

(8) Inaccurately recording, falsifying, or altering patient records, including, but not limited to, patient charts or medication administration records.

(9) Falsely misrepresenting facts on an application for employment as a respiratory care practitioner.

(10) Leaving a respiratory therapy assignment before properly advising appropriate personnel.

(11) Discriminating on the basis of race, creed, religion, sex, age, or national origin in the rendering of respiratory therapy services as it relates to human rights and the dignity of an individual.

(12) Impersonating or acting as a proxy for an applicant in any examination required for ~~certification~~ **licensure**.

(13) Impersonating another ~~certified~~ **licensed** practitioner or permitting another person to use his or her ~~certificate~~ **license** for the purpose of practicing respiratory therapy for compensation.

(14) Providing false or incorrect information to an employer regarding the status of his or her ~~certification~~ **license**.

(15) Abandoning a patient.

*(Medical Licensing Board of Indiana; 844 IAC 11-4-5; filed Nov 14, 1991, 3:30 p.m.: 15 IR 584)*

SECTION 6. UNDER IC 4-22-2.5-3, 844 IAC 11-4-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-4-6 Peer reviews**

Authority: IC 25-34.5-2-7

Affected: IC 25-34.5-2

Sec. 6. (a) A practitioner who has personal knowledge based upon a reasonable belief that another practitioner holding the same ~~certification~~ **licensure** has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of respiratory care shall promptly report such conduct to a peer review or similar body, as defined in IC 34-4-12.6-1(c) [*IC 34-4 was repealed by P.L. 1-1998, SECTION 221, effective July 1, 1998.*], having jurisdiction over the offending practitioner and the matter. This subsection does not prohibit a practitioner from promptly reporting said conduct directly to the respiratory care committee. Further, a practitioner who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of respiratory care shall promptly report such conduct to the respiratory care committee.

(b) A practitioner who voluntarily submits himself or herself to, or is otherwise undergoing a course of treatment for addiction, severe dependency upon alcohol or other drugs or controlled substances, or for psychiatric impairment, where such treatment is sponsored or supervised by an impaired respiratory care practitioner committee of a state, regional, or local organization of professional health care providers, or where such treatment is sponsored or supervised by an impaired respiratory care practitioner committee of a hospital, shall be exempt from reporting to a peer review committee or to the respiratory care committee as long as:

- (1) the practitioner is complying with the course of treatment; and
- (2) the practitioner is making satisfactory progress.

(c) If the practitioner fails to comply with, or is not ~~benefitted~~ **benefited** by, the course of treatment, the practitioner/chief administrative officer, his designee, or any member of the impaired practitioner committee shall promptly report such facts and circumstances to the respiratory care committee. This subsection shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit, or otherwise preclude the respiratory care committee from taking such action as it deems appropriate or as may otherwise be provided by law. (*Medical Licensing Board of Indiana; 844 IAC 11-4-6; filed Nov 14, 1991, 3:30 p.m.: 15 IR 584*)

SECTION 7. UNDER IC 4-22-2.5-3, 844 IAC 11-4-8 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-4-8 Liability to patients**

Authority: IC 25-34.5-2-7

Affected: IC 25-34.5-2

Sec. 8. A practitioner shall not attempt to exonerate himself ~~of or~~ herself from or limit his or her liability to a patient for his or her personal malpractice except that a practitioner may enter into agreements ~~which that~~ contain informed, voluntary

releases and/or waivers of liability in settlement of a claim made by a patient or by those responsible for a patient's care. (*Medical Licensing Board of Indiana; 844 IAC 11-4-8; filed Nov 14, 1991, 3:30 p.m.: 15 IR 585*)

SECTION 8. UNDER IC 4-22-2.5-3, 844 IAC 11-5-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-5-1 Address; change of name**

Authority: IC 25-34.5-2-7

Affected: IC 25-34.5-2

Sec. 1. (a) Each respiratory care practitioner shall inform the committee, in writing, of all changes of address or name within fifteen (15) days of the change.

(b) A respiratory care practitioner's failure to receive notification of renewal due to failure to notify the committee of a change of address or name shall not constitute an error on the part of the committee, board, or bureau, nor shall it exonerate or otherwise excuse the respiratory care practitioner from renewing such ~~certificate~~ **license**. (*Medical Licensing Board of Indiana; 844 IAC 11-5-1; filed Sep 29, 1992, 2:00 p.m.: 16 IR 723*)

SECTION 9. UNDER IC 4-22-2.5-3, 844 IAC 11-5-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-5-3 Continuing education hours required**

Authority: IC 25-34.5-2-10

Affected: IC 25-34.5-2-10

Sec. 3. (a) Each respiratory care practitioner ~~certified~~ **licensed** in Indiana is required to complete an annual average of seven and one-half (7.5) hours of continuing education during each biennium (January 1 of odd-numbered year to December 31 of succeeding even-numbered year) in the area of respiratory care.

(b) A respiratory care practitioner is not required to complete continuing education requirements for the year in which the initial ~~certification~~ **license** was issued.

~~(c) [Voided by P.L. 60-2000, SECTION 31, effective July 1, 2000.]~~

~~(d)~~ (c) Continuing education hours must be obtained within the biennial renewal period and may not be carried over from one (1) ~~certification~~ **licensure** period to another.

~~(e)~~ (d) No more than five (5) hours of continuing education can be obtained through correspondence courses during the biennium.

(e) The committee shall accept continuing education courses in the following areas toward fulfillment of the requirements under IC 25-34.5-2-10(a):

- (1) Management of the practice of respiratory care.
- (2) Courses concerning the practice of respiratory care that do the following:

**(A) Enable individuals to teach continuing education courses for respiratory care practitioners.**

**(B) Enable respiratory care practitioner to teach topics related to patient/family education.**

**(3) The practice of respiratory care.**

*(Medical Licensing Board of Indiana; 844 IAC 11-5-3; filed Sep 29, 1992, 2:00 p.m.: 16 IR 723; filed Aug 4, 1994, 5:00 p.m.: 17 IR 2869)*

SECTION 10. UNDER IC 4-22-2.5-3, 844 IAC 11-5-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-5-4 Reporting continuing education**

Authority: IC 25-34.5-2-10

Affected: IC 25-34.5-2-10

Sec. 4. (a) ~~Proof of attendance and completion of continuing education shall be submitted at the time of certification renewal on a form provided by the health professions bureau.~~

(b) ~~It is the responsibility of the respiratory care practitioner to notify the health professions bureau of courses completed to meet the continuing education requirements.~~

**(a) A licensee must sign the renewal form provided by the bureau that verifies that all continuing education requirements according to section 3 of this rule will have been met by the time of license renewal.**

~~(e)~~ (b) The respiratory care practitioner shall maintain his or her continuing education records of a given biennium for a period of four (4) years following the end of the biennium.

~~(d)~~ (c) It is the responsibility of the respiratory care practitioner to verify that courses attended have been approved by the committee. Without approval, as provided under section 5 of this rule, credit will not be given. *(Medical Licensing Board of Indiana; 844 IAC 11-5-4; filed Sep 29, 1992, 2:00 p.m.: 16 IR 723)*

SECTION 11. UNDER IC 4-22-2.5-3, 844 IAC 11-5-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**844 IAC 11-5-5 Approval of continuing education programs**

Authority: IC 25-34.5-2-10

Affected: IC 25-34.5-2-10

Sec. 5. (a) The following criteria shall be used for approval of continuing education programs for respiratory care practitioners:

(1) The continuing education program shall have a statement of objectives which the program should achieve for its participants relating to and enhancing the study of respiratory care.

(2) The sponsor of continuing education programs shall provide adequate administration, including a responsible person to coordinate and administer the program, and shall provide for the maintenance of proper records.

(3) Sponsors of continuing education programs shall provide adequate funding for the educational programs undertaken.

(4) The curriculum of a continuing education program shall

be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the practice of respiratory care.

(5) The continuing education program shall have qualified faculty members who have demonstrated competence in the subject areas.

(6) The continuing education program shall be held in adequate facilities that allow for an effective program.

(7) Continuing education programs shall employ a variety of educational methods and teaching aids that enhance the learning opportunities.

(8) Appropriate methods of evaluation shall be devised and used to measure the continuing education program's effectiveness.

(9) The sponsor of the continuing education program shall provide to the participants a meaningful record of attendance stating the continuing education hours involved.

(b) Programs for continuing education may be approved by the committee provided the sponsoring organization has submitted the proper form at least ~~ninety (90)~~ **thirty (30)** days prior to presentation of the program.

(c) The sponsor of the program is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire program can be reliably assured.

(d) Notwithstanding subsections (a) and (b), continuing education programs for respiratory care practitioners sponsored by the following organizations ~~shall be deemed~~ **are approved and no approval by the committee shall be required: as follows:**

(1) American Association of Respiratory Care or one (1) of its chartered affiliates.

(2) American Medical Association.

(3) American Nurses Association.

(4) Indiana State Nurses Association.

(5) American College of Chest Physicians.

(6) American Academy of Pediatrics.

**(7) American Academy of Pediatrics Certification/Recertification, including the following:**

**(A) Pediatric Advanced Life Support (PALS)—eight (8) hours.**

**(B) Neonatal Resuscitation Certification (NRC)—four (4) hours.**

**(C) Pediatric Advanced Life Support (PALS) Instructor Course—eight (8) hours.**

**(D) Neonatal Resuscitation Certification (NRC) Instructor Course—four (4) hours.**

~~(7)~~ **(8) American Heart Association seminar programs.**

**(9) American Heart Association Certification/Recertification, including the following:**

**(A) Advanced Cardiac Life Support (ACLS)—eight (8) hours.**

**(B) Basic Cardiac Life Support (CPR)—two (2) hours.**

**(C) Advanced Cardiac Life Support (ACLS) Instructor Course—eight (8) hours.**

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## Readopted Rules

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**(D) Basic Cardiac Life Support (CPR) Instructor Course—four (4) hours.**

**(E) Automated External Defibrillator Certification—four (4) hours.**

**(F) Automated External Defibrillator Certification Instructor Course—four (4) hours.**

- (8) (10) Society of Critical Care Medicine.  
(9) (11) American Association of Critical Care Nurses.  
(10) (12) American Society of Anesthesiologists.  
(11) (13) American Polysomnographers Technologists.  
(12) (14) American Osteopathic Association.  
(13) (15) National Society for Cardiopulmonary Technologists.  
(14) (16) American Thoracic Society.  
(15) (17) American Lung Association.

(e) The following programs shall be approved by the committee for the following number of hours:

- (1) Advanced Cardiac Life Support through the American Heart Association) eight (8) hours:  
(2) Pediatric Advanced Life Support through the American Academy of Pediatrics) eight (8) hours:  
(3) Advanced Cardiac Life Support Recertification through the American Heart Association; one (1) day) four (4) hours:  
(4) Advanced Cardiac Life Support Recertification through the American Heart Association; two (2) days) eight (8) hours:  
(5) Pediatric Advanced Life Support Recertification through the American Academy of Pediatrics; one (1) day) four (4) hours:  
(6) Pediatric Advanced Life Support Recertification through the American Academy of Pediatrics; two (2) days) eight (8) hours:  
(7) Basic Cardiac Life Support (CPR) Recertification through the American Heart Association) two (2) hours:  
(8) (1) Intermediate Electrocardiography (EKG)) one (1) hour.  
(9) Kettering National Board for Respiratory Care Entry Level Review) four (4) hours:  
(10) Kettering National Board for Respiratory Care Advanced Practice Review) eight (8) hours:  
(11) Kettering National Board for Respiratory Care Clinical Simulation Workshop) four (4) hours:  
(12) Neonatal Resuscitation Certification or Recertification through the American Academy of Pediatrics) four (4) hours:  
(13) Kettering Pulmonary Function Technician Review Seminar) eight (8) hours:  
(14) Kettering Registered Pulmonary Function Technician Review) four (4) hours:  
(15) (2) Atlanta School of Sleep Medicine and Technology, "Seminar on Sleep Study and Technology") two (2) week seminar) eight (8) hours.

(Medical Licensing Board of Indiana; 844 IAC 11-5-5; filed Sep 29, 1992, 2:00 p.m.: 16 IR 723; filed Aug 4, 1994, 5:00 p.m.: 17 IR 2870)

### Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-3, notice is hereby given that on August 23, 2001 at 10:35 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference

Center Rooms 4 and 5, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing to readopt rules.

Requests for any part of this readoption and amendments to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Cindy Vaught, Director  
Health Professions Bureau  
Indiana Respiratory Care Committee  
402 West Washington Street  
Room W041  
Indianapolis, Indiana 46204  
E-mail: [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us)

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Beth Anne Compton  
Executive Director  
Health Professions Bureau

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## TITLE 848 INDIANA STATE BOARD OF NURSING

LSA Document #01-127

### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

848 IAC 1-1-2.1	848 IAC 3-2-5
848 IAC 1-1-5	848 IAC 3-2-6
848 IAC 1-1-6	848 IAC 3-2-7
848 IAC 1-1-7	848 IAC 3-2-8
848 IAC 1-1-8	848 IAC 3-3
848 IAC 1-1-10	848 IAC 3-4-1
848 IAC 1-1-11	848 IAC 4-1-1
848 IAC 1-1-13	848 IAC 4-1-2
848 IAC 1-1-15	848 IAC 4-1-3
848 IAC 1-2	848 IAC 4-1-4
848 IAC 2-1	848 IAC 4-1-5
848 IAC 2-2	848 IAC 4-1-6
848 IAC 2-3	848 IAC 4-2
848 IAC 3-1	848 IAC 4-3
848 IAC 3-2-1	848 IAC 4-4-1
848 IAC 3-2-2	848 IAC 5-1
848 IAC 3-2-3	848 IAC 5-2-1
848 IAC 3-2-4	

SECTION 1. UNDER IC 4-22-2.5-3, THE FOLLOWING ARE READOPTED:

- 848 IAC 1-1-2.1 Definitions
- 848 IAC 1-1-8 Renewal of license
- 848 IAC 1-1-11 Name change
- 848 IAC 1-1-15 Temporary permits
- 848 IAC 1-2 Accreditation
- 848 IAC 2-1 Definitions
- 848 IAC 2-2 Registered Nursing
- 848 IAC 2-3 Licensed Practical Nursing
- 848 IAC 3-1 Definitions
- 848 IAC 3-2-1 Application for limited license; qualifications
- 848 IAC 3-2-3 Photograph submitted with application
- 848 IAC 3-2-4 Temporary permit not issued
- 848 IAC 3-2-6 Notice of renewal
- 848 IAC 3-2-7 Fee for renewal
- 848 IAC 3-2-8 Delinquent fee
- 848 IAC 3-3 Competent practice of nurse-midwives
- 848 IAC 4-1-1 Applicability
- 848 IAC 4-1-2 "Board" defined
- 848 IAC 4-1-4 "Nurse Practitioner" defined
- 848 IAC 4-1-5 "Clinical nurse specialist" defined
- 848 IAC 4-2 Competent practice of nurse practitioners
- 848 IAC 4-3 Competent practice of clinical nurse specialists
- 848 IAC 5-1 Prescriptive authority

SECTION 2. UNDER IC 4-22-2.5-3, 848 IAC 1-1-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-5 Appeals**

Authority: IC 25-23-1-7  
Affected: IC 4-21.5

Sec. 5. ~~APPEAL PROCEDURE: (5-1) PROCEDURE.~~ In accordance with Indiana Code 4-22-1 the Indiana Administrative Adjudication Act, the Indiana State Board of Nurses<sup>2</sup> Registration and Nursing Education respects the right of any applicant to appeal its decisions. Applicants shall be entitled to have a hearing before the Board, by filing a written application for such a hearing, within fifteen (15) days after receipt of notice of decision. **Appeals before the Indiana state board of nursing are governed by the Indiana Administrative Orders and Procedures Act (AOPA) under IC 4-21.5.** (*Indiana State Board of Nursing; Reg 5; filed Jul 18, 1977, 8:55 a.m.: Rules and Regs. 1978, p. 611*)

SECTION 3. UNDER IC 4-22-2.5-3, 848 IAC 1-1-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-6 Licensure by examination**

Authority: IC 25-23-1-7  
Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 6. (a) Any person who makes application to the board for a license shall submit to the board written evidence, verified by oath, that the registered nurse applicant meets IC 25-23-1-11 and the licensed practical nurse applicant meets IC 25-23-1-12.

(b) Schools of nursing shall be notified by the Indiana board of nursing annually of the filing dates and the dates on which the graduates will be scheduled to write the examination. Schools of nursing shall submit to the board a list of graduates that will write the examination at least 60 days prior to the examination date.

(c) The required application for licensure by examination and fee shall be filed no later than the 56th day prior to the date of the examination. Applications will be accepted until the 42nd day prior to the examination date when an additional late application processing fee is submitted.

(d) The board of nursing shall provide examination information to the candidate at least two (2) weeks prior to the licensing examination.

(e) (b) A copy of a marriage certificate or court order shall be submitted by a candidate who wishes to change her/his name after the application is filed.

(f) (c) Candidates shall present ~~an admission card~~ **the authorization to test** and a ~~photograph~~ **photo identification** for entrance to the licensing examination. The photograph shall have the school seal affixed and the signatures of the candidate and the nurse director of the school or designee: **testing center.**

(g) A candidate without proper identification may be permitted entrance to the licensing examination by the board if eligibility is established by two (2) or more of the following:

- (1) verification with check-in list of candidates;
- (2) displaying requested identification such as: student I.D.; driver's license; etc.;
- (3) being identified by two (2) randomly selected classmates or an examiner.

The board may make exceptions to existing procedures for examinations in cases of emergency situations.

(h) (d) The required Indiana passing standard score for the registered nurse licensure examination is 1600 and for the practical nurse licensure examination is 350: **criteria for the licensure examination is set by the National Council of State Boards of Nursing using the computerized adaptive testing methodology.**

(i) An applicant for an Indiana license may write the licensing examination in another U.S. jurisdiction provided written consent is secured from the board of nursing in that jurisdiction. The applicant shall submit a copy of the consent to the Indiana board of nursing which will make the necessary arrangements. Candidates shall be responsible for fees charged by the proctoring board.

(j) (e) An applicant may take the examination at any testing center in the United States approved by the National Council for State Boards of Nursing. An authorization to

~~test must be provided by the Indiana board of nursing may proctor the licensing examination upon authorization of another board of nursing; whether the examination is being taken for the first time or is a repeat examination. A nonrefundable proctoring fee shall be paid by the candidate prior to admission to the examination. prior to testing.~~

~~(k)~~ Proctoring services will be provided only at a regularly scheduled examination session and to the extent of availability of examining space; as determined by the board:

~~(f)~~ (f) Graduates of foreign schools of nursing shall meet the following qualifications before being licensed in Indiana:

- (1) Be licensed in the territory or country in which they graduated.
- (2) Meet the qualifications required in Indiana as determined by the board.
- (3) Obtain the official records from the territory or country in which the applicant graduated verifying academic qualifications, or be referred to state accredited nursing programs to establish the necessary credits if the original records are unobtainable.
- (4) Show evidence of having passed the examination prepared by the commission on graduates of foreign nursing schools.
- (5) Pass the appropriate nurse licensing examination in Indiana.

~~(g)~~ (g) Requirements for unsuccessful candidates are as follows:

- (1) Any candidate who fails the Indiana licensing examination shall not be licensed until she or he has passed the licensing examination.
- (2) A complete application shall be submitted each time an examination is taken.
- (3) The full examination fee shall be charged for each reexamination.
- (4) A candidate who has failed the licensing examination (in any jurisdiction) should undertake a special study program before retaking the examination. This study program may include one (1) or all of the following:
  - (A) Auditing nursing courses at an approved program in nursing.
  - (B) Self-study program, such as review of course work or professional reading. etc.;
  - (C) Tutoring.
  - (D) Reenrollment in a state-accredited program of nursing.

~~(h)~~ (h) Written informed consent from the candidate is necessary before individual licensing examination scores are released to anyone other than the candidate.

~~(i)~~ (i) Candidates applying for the licensing examination shall be required to meet the board's curricular requirements for the program in nursing as stated in the rules and regulations in

effect at the time of their graduation. (*Indiana State Board of Nursing; Reg 6; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 162; filed Mar 18, 1980, 4:00 p.m.: 3 IR 961; filed Feb 18, 1982, 2:18 p.m.: 5 IR 735; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1026; filed Sep 12, 1985, 3:27 p.m.: 9 IR 287*)

SECTION 4. UNDER IC 4-22-2.5-3, 848 IAC 1-1-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### **848 IAC 1-1-7 Licensure by endorsement**

Authority: IC 25-23-1-7

Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 7. ~~(7.1)~~ (a) An applicant who was originally licensed by the state board test pool examination by a board of nursing **National Council Licensing Examination (NCLEX®) or an equivalent examination** in another jurisdiction will be accepted for registration in Indiana by endorsement from the board ~~which that~~ granted the original license if the applicant meets the following qualifications:

- ~~(a)~~ (1) Is of good moral character.
- ~~(b)~~ (2) Has graduated from high school or the equivalent thereof.
- ~~(c)~~ (3) Has graduated from a state approved program in nursing.

~~(7.2)~~ Achievement of the Indiana passing score on the state board test pool examination subsequent to September 1952 is required for licensure by endorsement:

~~(7.3)~~ (b) Applicants who are graduates of foreign schools of nursing are eligible for Indiana licensure by endorsement providing the following conditions are met:

- ~~(a)~~ (1) Have written and passed the state board test pool **National Council Licensing Examination (NCLEX®) or an equivalent examination** in another jurisdiction or country.
- ~~(b)~~ (2) Have achieved Indiana's passing scores in all areas.
- ~~(c)~~ submit verification of immigration status and eligibility for employment in Indiana;
- ~~(d)~~ (3) Submit copies of all scholastic records.
- ~~(e)~~ (4) Submit proof of good moral character.
- ~~(f)~~ (5) Submit proof of high school graduation or equivalent thereof.
- ~~(g)~~ (6) Submit proof of having graduated from a program in nursing with concurrent theory and clinical experience in all areas. tested by the state board test pool examination.

~~(7.4)~~ (c) The completed application accompanied by the statutory fee, photograph, and proof of current licensure in another jurisdiction shall be submitted to the Indiana board of nursing. The fee is nonrefundable.

~~(7.5)~~ Applicants who were licensed prior to September 1952 shall be required to have taken and passed the licensing examination given by the state board of nursing in the original state of licensure. (*Indiana State Board of Nursing; Reg 7; filed*

*Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 165; filed Mar 18, 1980, 4:00 p.m.: 3 IR 963; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028)*

SECTION 5. UNDER IC 4-22-2.5-3, 848 IAC 1-1-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-10 Duplicate license**

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7; IC 25-23-1-16.1

Sec. 10. ~~(10.1)~~ (a) The licensee shall report, in writing, on the form supplied by the board, the loss of the original certificate of licensure or the biennial renewal license.

~~(10.2)~~ (b) A license ~~which that~~ has been lost or destroyed shall be replaced upon proper identification of the registrant. ~~and payment of a fee. (Indiana State Board of Nursing; Reg 10; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 166; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028)~~

SECTION 6. UNDER IC 4-22-2.5-3, 848 IAC 1-1-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-13 Employment conditions; enforcement powers and duties; records and reports**

Authority: IC 25-23-1-7

Affected: IC 4-1-6; IC 25-23-1-7; IC 25-23-1-16.1

Sec. 13. ~~ENFORCEMENT.~~ ~~(13.1)~~ Legal conditions of employment:

(a) Any person who practices or offers to practice nursing as either a registered or licensed practical nurse in the State of Indiana shall hold a current Indiana license as proof of their legal authorization to practice.

~~(b) A candidate who has applied for the licensing examination may be employed during the interim between graduation and licensure providing employment is not in conflict with the Indiana Nurse Practice Act.~~

~~(13.2)~~ (b) The Indiana board of nursing (board) shall be responsible for the following:

(a) (1) The verification of licensure of nurses to employers of nurses.

~~(b)~~ (2) Initiating appropriate action as authorized by the Nurse Practice Act under IC 25-23-1 on reports to the board concerning incidents involving a licensee that may be cause for disciplinary action.

~~(c)~~ (3) Assuring that imposters are not functioning in roles normally assumed by the licensed nurse.

~~(d)~~ (4) Carrying out the duties of the board in compliance with the Fair Information Practice Act ~~P.L.21, Acts 1977.~~ under IC 4-1-6.

~~(13.3)~~ The Employing Agency is responsible for:

(a) Verifying that applicants for positions requiring a license in nursing are currently licensed in the State of Indiana;

(b) Submitting annually to the Board:

(1) Names of all licensed nurses;

(2) Indiana nursing license numbers;

(3) Expiration dates of nursing licenses;

(4) Names of unlicensed employed graduate nurses;

(c) Reporting to the Board any incident involving a licensed nurse that could be cause for disciplinary action;

(d) Assuring that an unlicensed employed graduate nurse is not functioning in the role normally assumed by the licensed nurse.

~~(13.4)~~ Reports regarding licensees:

(a) Each hospital, agency or unit (office) employing licensed nurses shall submit an inclusive list of those persons at such times as may be required by the Board. Names of employed unlicensed graduate nurses are also to be submitted at this time;

(b) The names of individuals whose licenses have been placed on probation, suspended, revoked or surrendered voluntarily, shall become a matter of public record.

*(Indiana State Board of Nursing; Reg 13; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 167)*

SECTION 7. UNDER IC 4-22-2.5-3, 848 IAC 3-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**848 IAC 3-2-2 Fees for limited license**

Authority: IC 25-23-1-7

Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 2. (a) Each applicant for a limited license in nurse-midwifery shall pay a fee as provided in 848 IAC 1-1-14 in the form of a personal check, certified check, cashier's check, or money order payable to the health professions bureau. This fee is not refundable, but may be used up to and including ~~three~~ **one (1) year** from the original submission of the application.

(b) The fee for any reapplication shall be the same as determined by the board for the original application and is payable in the form of a personal check, certified check, cashier's check, or money order payable to the health professions bureau. *(Indiana State Board of Nursing; 848 IAC 3-2-2; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872)*

SECTION 8. UNDER IC 4-22-2.5-3, 848 IAC 3-2-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**848 IAC 3-2-5 Biennial renewal of limited license**

Authority: IC 25-23-1-7

Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 5. Every person with a limited license to practice nurse-midwifery shall renew such limited license with the board on or before October 31 of odd-numbered years. *(Indiana State Board of Nursing; 848 IAC 3-2-5; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872)*



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## Readopted Rules

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SECTION 9. UNDER IC 4-22-2.5-3, 848 IAC 4-1-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 848 IAC 4-1-3 “Advanced practice nurse” defined

Authority: IC 25-23-1-7

Affected: IC 16-21; IC 25-23-1-1

Sec. 3. (a) “Advanced practice nurse” means a registered nurse holding a current license in ~~the state of~~ Indiana who:

- (1) has obtained additional knowledge and skill through a formal, organized program of study and clinical experience, **bachelor’s degree or higher**, or its equivalent, as determined by the board;
- (2) functions in an expanded role of nursing at a specialized level through the application of advanced knowledge and skills to provide healthcare to individuals, families, or groups in a variety of settings, including, but not limited to:

- (A) homes;
  - (B) institutions;
  - (C) offices;
  - (D) industries;
  - (E) schools;
  - (F) community agencies;
  - (G) private practice;
  - (H) hospital outpatient clinics; and
  - (I) health maintenance organizations; and
- (3) makes independent decisions about the nursing needs of clients.

(b) The three (3) categories of advanced practice nurses as defined in IC 25-23-1-1 are as follows:

- (1) Nurse practitioner as defined in section 4 of this rule.
- (2) Certified nurse-midwife as defined in 848 IAC 3-1.
- (3) Clinical nurse specialist as defined in section 5 of this rule.

(*Indiana State Board of Nursing; 848 IAC 4-1-3; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2874*)

SECTION 10. UNDER IC 4-22-2.5-3, 848 IAC 4-1-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 848 IAC 4-1-6 “Formal organized program of study and clinical experience or the equivalent as determined by the board” defined

Authority: IC 25-23-1-7

Affected: IC 25-23-1-1

Sec. 6. “Formal organized program of study and clinical experience or the equivalent as determined by the board” means:

- (1) a **bachelor’s degree program or higher** offered by a college or university accredited by the Commission on Recognition of Postsecondary Accreditation ~~which shall include:~~ **that includes:**
  - (A) instruction in the biological, behavioral, medical, and nursing sciences relevant to practice as an advanced practice nurse in a specified category;
  - (B) instruction in the legal, ethical, and professional responsibilities of advanced practice nursing; and

- (C) supervised clinical practice of those skills used by the advanced practice nurse in a specialty role; or
- (2) experience obtained in collaboration with a physician, prior to the promulgation of this article, which was required by a national organization as a prerequisite for a national certifying examination used to certify a registered nurse in a specialty area.

(*Indiana State Board of Nursing; 848 IAC 4-1-6; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2875*)

SECTION 11. UNDER IC 4-22-2.5-3, 848 IAC 5-2-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### 848 IAC 5-2-1 Limitations of rules

Authority: IC 25-23-1-7

Affected: IC 25-23-1

Sec. 1. (a) ~~Nothing in this article shall be construed to limit the authority of a registered nurse to perform services that a registered nurse was authorized to perform under IC 25-23-1 prior to July 1, 1993.~~

~~(b)~~ No written practice agreement shall be necessary unless the advanced practice nurse seeks prescriptive authority. (*Indiana State Board of Nursing; 848 IAC 5-2-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2878*)

SECTION 12. UNDER IC 4-22-2.5-3, THE FOLLOWING ARE BEING REPEALED:

848 IAC 3-4-1 Limitations of rules

848 IAC 4-4-1 Limitations of rules

### Notice of Public Hearing

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 16, 2001 at 9:00 a.m., at the Indiana Government Center South, Conference Center Room C, Indianapolis, Indiana the Indiana State Board of Nursing will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:*

*Kristen Burch*

*Health Professions Bureau*

*402 West Washington Street, Room W041*

*Indianapolis, Indiana 46204*

*or via e-mail to: kburch@hpb.state.in.us*

*Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Beth Anne Compton

Executive Director

Health Professions Bureau

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## Readopted Rules

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### TITLE 440 DIVISION OF MENTAL HEALTH

LSA Document #01-14(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

<b>440 IAC 4-3</b>	<b>440 IAC 5.5</b>
<b>440 IAC 4.1</b>	<b>440 IAC 6</b>
<b>440 IAC 4.3</b>	<b>440 IAC 7</b>
<b>440 IAC 4.4</b>	<b>440 IAC 8</b>
<b>440 IAC 5</b>	<b>440 IAC 9</b>

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

440 IAC 4-3	Community Mental Health Center Services
440 IAC 4.1	COMMUNITY MENTAL HEALTH CENTERS: CERTIFICATION
440 IAC 4.3	MANAGED CARE PROVIDER CERTIFICATION
440 IAC 4.4	ADDICTION SERVICES PROVIDER CERTIFICATION
440 IAC 5	COMMUNITY CARE
440 IAC 5.5	COMMITMENT REPORTS TO THE COURTS FOR COMMUNITY MENTAL HEALTH CENTERS
440 IAC 6	RESIDENTIAL CARE PROVIDERS: CERTIFICATION
440 IAC 7	RESIDENTIAL LIVING PROGRAMS FOR INDIVIDUALS WITH PSYCHIATRIC DISORDERS OR ADDICTIONS
440 IAC 8	POPULATIONS TO BE SERVED BY MANAGED CARE PROVIDERS FUNDED BY THE DIVISION OF MENTAL HEALTH AND TO BE SERVED BY COMMUNITY MENTAL HEALTH CENTERS
440 IAC 9	MINIMUM STANDARDS FOR THE PROVISION OF SERVICES BY COMMUNITY MENTAL HEALTH CENTERS AND MANAGED CARE PROVIDERS

LSA Document #01-14(F)

*Intent to Readopt Rules Published: February 1, 2001; 24 IR 1455*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2204*

*Hearing Held: May 8, 2001*

*Filed with Secretary of State: May 10, 2001, 2:30 p.m.*

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### TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

LSA Document #00-304(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

<b>804 IAC 1.1-1</b>	<b>804 IAC 1.1-2-8</b>
<b>804 IAC 1.1-2-1</b>	<b>804 IAC 1.1-3-1</b>
<b>804 IAC 1.1-2-2</b>	<b>804 IAC 1.1-4</b>
<b>804 IAC 1.1-2-5</b>	<b>804 IAC 1.1-6</b>
<b>804 IAC 1.1-2-6</b>	<b>804 IAC 1.1-7</b>
<b>804 IAC 1.1-2-7</b>	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

804 IAC 1.1-1	General Provisions
804 IAC 1.1-2-1	Applications
804 IAC 1.1-2-2	Landscape architects; experience requirements
804 IAC 1.1-2-5	Issuance of certificate of registration
804 IAC 1.1-2-6	Renewal of registration
804 IAC 1.1-2-7	Architect's seal
804 IAC 1.1-2-8	Firm, partnership, or corporate practice
804 IAC 1.1-3-1	Fees charged by the board
804 IAC 1.1-4	Code of Professional Conduct
804 IAC 1.1-6	Examinations
804 IAC 1.1-7	Training and Experience Requirements for Architect Registration

LSA Document #00-304(F)

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1128*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2205*

*Hearing Held: April 25, 2001*

*Filed with Secretary of State: May 10, 2001, 2:40 p.m.*

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### TITLE 808 STATE BOXING COMMISSION

LSA Document #00-305(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

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### 808 IAC 1 808 IAC 2 808 IAC 4

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

808 IAC 1 GENERAL PROVISIONS  
808 IAC 2 BOXING AND OTHER RING EXHIBITIONS  
808 IAC 4 TAEKWONDO

*LSA Document #00-305(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1129*

*Proposed Readopted Rules Published: May 1, 2001; 24 IR 2580*

*Hearing Held: June 8, 2001*

*Filed with Secretary of State: June 8, 2001, 2:38 p.m.*

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### TITLE 812 INDIANA AUCTIONEER COMMISSION

LSA Document #00-306(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

#### 812 IAC 1-1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

812 IAC 1-1 Powers of Commission; Permitted Activities; License Procedure; Fee

*LSA Document #00-306(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1129*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2205*

*Hearing Held: May 16, 2001*

*Filed with Secretary of State: May 22, 2001, 9:57 a.m.*

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### TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

LSA Document #00-308(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on Decem-

ber 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

### 820 IAC 2 820 IAC 3 820 IAC 4

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

820 IAC 2 LICENSING  
820 IAC 3 SANITARY AND EQUIPMENT REQUIREMENTS  
820 IAC 4 COSMETOLOGY SCHOOLS

*LSA Document #00-308(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1129*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2206*

*Hearing Held: May 21, 2001*

*Filed with Secretary of State: May 22, 2001, 9:56 a.m.*

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### TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE

LSA Document #00-310(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

832 IAC 2	832 IAC 3-3
832 IAC 3-1	832 IAC 4
832 IAC 3-2-1	832 IAC 5
832 IAC 3-2-3	832 IAC 6
832 IAC 3-2-4	832 IAC 7
832 IAC 3-2-5	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

832 IAC 2 GENERAL PROVISIONS  
832 IAC 3-1 Schools  
832 IAC 3-2-1 Funeral director internship  
832 IAC 3-2-3 Funeral director intern case reports  
832 IAC 3-2-4 Requirements for third and subsequent takings of funeral director license examination  
832 IAC 3-2-5 Funeral director examination; passing score  
832 IAC 3-3 Licensure  
832 IAC 4 CONTINUING EDUCATION; LICENSE RESTORATION AND RENEWAL

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- 832 IAC 5 LICENSURE AND OPERATION OF FUNERAL HOMES  
832 IAC 6 FUNERAL TRUST FUND  
832 IAC 7 PRENEED FUNERAL BURIAL SERVICES OR MERCHANDISE CONTRACTS

*LSA Document #00-310(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1130*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2207*

*Hearing Held: May 3, 2001*

*Filed with Secretary of State: May 10, 2001, 2:39 p.m.*

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### TITLE 860 INDIANA PLUMBING COMMISSION

LSA Document #00-311(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

#### **860 IAC 1 860 IAC 2**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 860 IAC 1 GENERAL PROVISIONS  
860 IAC 2 APPRENTICE PLUMBER

*LSA Document #00-311(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1132*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2208*

*Hearing Held: May 23, 2001*

*Filed with Secretary of State: May 29, 2001, 10:00 a.m.*

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### TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

LSA Document #00-312(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

#### **862 IAC 1**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

#### 862 IAC 1 PRIVATE DETECTIVES

*LSA Document #00-312(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1132*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2208*

*Hearing Held: May 17, 2001*

*Filed with Secretary of State: May 22, 2001, 9:54 a.m.*

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### TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #00-314(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

#### **865 IAC 1**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

#### 865 IAC 1 GENERAL PROVISIONS

*LSA Document #00-314(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1133*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2209*

*Hearing Held: May 18, 2001*

*Filed with Secretary of State: May 22, 2001, 9:55 a.m.*

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### TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #00-317(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

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### 876 IAC 3

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

#### 876 IAC 3 REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION

*LSA Document #00-317(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1134*

*Proposed Readopted Rules Published: April 1, 2001; 24 IR 2210*

*Hearing Held: May 24, 2001*

*Filed with Secretary of State: May 29, 2001, 10:00 a.m.*

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### TITLE 898 INDIANA ATHLETIC TRAINERS BOARD

*LSA Document #00-331(F)*

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

#### 898 IAC 1-1-4

#### 898 IAC 1-2-1

#### 898 IAC 1-2-2

SECTION 1. UNDER IC 4-22-2.5-3, 898 IAC 1-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### 898 IAC 1-1-4 "Curriculum candidate" defined

**Authority:** IC 25-5.1-2-6

**Affected:** IC 25-5.1

Sec. 4. "Curriculum candidate" means a person who has competed [*sic., completed*] a ~~NATA approved~~ **CAAHEP accredited** athletic training education program. (*Indiana Athletic Trainers Board; 898 IAC 1-1-4; filed Dec 6, 1994, 2:07 p.m.: 18 IR 1287; readopted filed Jun 5, 2001, 2:35 p.m.: 24 IR 3238*)

SECTION 2. UNDER IC 4-22-2.5-3, 898 IAC 1-2-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### 898 IAC 1-2-1 Application procedures

**Authority:** IC 25-5.1-2-6

**Affected:** IC 25-5.1

Sec. 1. (a) An applicant for licensure as an athletic trainer shall make application therefor in writing on forms provided by the board and shall furnish evidence satisfactory to the board

that the qualifying requirements have been met as provided for in IC 25-5.1.

(b) ~~An applicant shall provide proof of resident status in the form and manner required by the board:~~

(c) ~~(b)~~ Applicants for licensure as an athletic trainer must pass the NATABOC examination **and hold current NATABOC certification.** (*Indiana Athletic Trainers Board; 898 IAC 1-2-1; filed Dec 6, 1994, 2:07 p.m.: 18 IR 1287; filed Jul 25, 1995, 12:00 p.m.: 18 IR 3398; filed Mar 25, 1999, 4:28 p.m.: 22 IR 2530; readopted filed Jun 5, 2001, 2:35 p.m.: 24 IR 3238*)

SECTION 3. UNDER IC 4-22-2.5-3, 898 IAC 1-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### 898 IAC 1-2-2 Education and training

**Authority:** IC 25-5.1-2-6

**Affected:** IC 25-5.1-3-1

Sec. 2. (a) All applicants for licensure under IC 25-5.1-3-1 must have completed clinical experience in accordance with this section.

(b) An applicant who has completed a ~~NATA CAAHEP approved~~ **CAAHEP accredited** athletic training program must have completed at least eight hundred (800) hours of **clinical** athletic training experience under the supervision of a NATABOC certified athletic trainer. The athletic training experiences obtained must be in athletic training settings associated with the ~~NATA-CAAHEP approved~~ **CAAHEP accredited** curriculum. An applicant who is applying for licensure as a curriculum candidate from a ~~NATA approved~~ **an accredited** undergraduate program must receive his or her bachelor's degree from that college or university.

(c) An applicant who has completed an internship in order to fulfill the requirements for licensure must have completed at least one thousand five hundred (1,500) hours of athletic training experience under the supervision of a NATABOC certified athletic trainer. These hours must be obtained in no less than two (2) calendar years and not more than five (5) years. Of these one thousand five hundred (1,500) hours, at least one thousand (1,000) hours must be attained in a traditional athletic training setting at the interscholastic, intercollegiate, or professional sports level. The additional five hundred (500) hours may be attained in an allied **and/or affiliated** setting under the supervision of a NATABOC certified athletic trainer.

(d) At least twenty-five percent (25%) of the required athletic training experience hours must be obtained in actual (on location) practice or game coverage with one (1) or more of the following high risk sports:

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- (1) Football.
- (2) Soccer.
- (3) Hockey.
- (4) Wrestling.
- (5) Basketball.
- (6) Gymnastics.
- (7) Lacrosse.
- (8) Volleyball.
- (9) Rugby.

**(e) If an applicant for licensure proposes to satisfy more than one (1) of the course requirements of IC 25-5.1-3-1(b) with one (1) combined course, the course must be credited for at least three (3) semester hours or four and one-half (4.5) quarter hours on an official transcript. In addition, if the course is completed in one (1) semester or one (1) quarter, it must be credited for no less than five (5) semes**

**ter hours or seven and one-half (7.5) quarter hours on an official transcript.** (*Indiana Athletic Trainers Board; 898 IAC 1-2-2; filed Dec 6, 1994, 2:07 p.m.: 18 IR 1287; filed Jul 25, 1995, 12:00 p.m.: 18 IR 3398; filed Mar 25, 1999, 4:28 p.m.: 22 IR 2530; readopted filed Jun 5, 2001, 2:35 p.m.: 24 IR 3238*)

*LSA Document #00-331(F)*

*Intent to Readopt Rules Published: January 1, 2001; 24 IR 1136*

*Proposed Readopted Rules Published: March 1, 2001; 24 IR 1972*

*Hearing Held: April 17, 2001*

*Approved by Attorney General: May 23, 2001*

*Approved by Governor: June 1, 2001*

*Filed with Secretary of State: June 5, 2001, 2:35 p.m.*

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